

URBAN/MUNICIPAL
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1992

Agendas / minutes of the
Planning and Development
Committee of Council

Jan 8 - Jan 22 1992

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THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1992 January 2

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 January 08
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL
JAN 7 1992
GOVERNMENT DOCUMENTS

A handwritten signature in cursive script, appearing to read "C. Coutts", written over a horizontal line.

Charlene J. Coutts, Secretary
Planning and Development Committee

AGENDA

1. Consent Agenda.

BUILDING COMMISSIONER/CITY SOLICITOR

2. 74 Charlton Avenue East - Demolition. (report to follow)
3. 848 Fennell Avenue East - Illegal Addition constructed contrary to Zoning By-law No. 6593.
4. 166 Wentworth Street South - Request to Rehear Decision on Variance Request to Zoning By-law.

BUILDING COMMISSIONER

5. 65 Markland Street - Demolition Permit.
6. Rainwater Leader By-law - Exempt properties at 250 and 300 Limeridge Road East and 1380 Upper Ottawa Street.
7. 293 Tragina Avenue North - Demolition. (report to follow)

DIRECTOR OF PUBLIC WORKS

8. 1992 to 1996 Community Renewal/Public Works Capital Budget.
9. Ottawa Street B.I.A. - Proposed Budget and Schedule of Payments for 1992.
10. Downtown Promenade B.I.A. - Proposed Budget and Schedule of Payments for 1992.
11. International Village B.I.A. - Proposed Budget and Schedule of Payments for 1992.
12. North End East and West Neighbourhoods - Application for Provincial P.R.I.D.E. Program.
13. P.R.I.D.E. Anti-Recession - Amendment of Project List.

CITY CLERK

14. Aldermanic Appointments - Sub-Committees of the Planning and Development Committee.
15. Citizen Appointments.
 - (a) Business Land Use Advisory Board.
 - (b) Local Architectural Conservation Advisory Committee.

COMMISSIONER OF PLANNING AND DEVELOPMENT

16. Site Plan Control Application DA-91-06, St. Mark's Non-Profit Housing Inc., owner, of land known as 130 Bay Street South; Durand Neighbourhood.
17. Site Plan Control Application 91-50, to amend DA-89-71, V. Greco, owner, of land at 45 Hempstead Drive; Rymal Neighbourhood.
18. Site Plan Control Application 91-58, Diton Construction, owner, of land at 325 Wentworth Street North; Landsdale Neighbourhood.
19. 1997 Capital Budget Considerations - Residential Enclaves.
20. Liveable Cities Conference - San Francisco. (no copy)

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

21. Zoning Application 91-47, Hamilton Region Conservation Authority, owner, for a modification to the "AA" District regulations for part of the land municipally known as 100 Confederation Drive; Confederation Park "A" Neighbourhood.
22. Amendment to the Official Plan and Zoning Application 91-49, Kingdom Properties Inc., prospective owner, for a change in zoning from "H" to "E" and modification to the "E" District regulations for property municipally known as 623 Upper James Street; Centre Mount Neighbourhood.
23. Zoning Application 91-50, Rytlyn Investments Ltd., owner, for a modification to the "D" District regulations for property at 95 Mary Street; Beasley Neighbourhood.
 - (a) Submission - Go Transit, 1120 Finch Avenue West, Toronto.

10:45 O'CLOCK A.M.

24. Zoning Application 91-53, Kids Care Oncology Centre West (Ronald McDonald House), prospective owner, for a change in zoning from "C" to "H" and a modification to the "H" District regulations for land on the west side of Cootes Drive, north of Main Street West; Ainslie Wood North Neighbourhood.
25. Zoning Application 91-56, 943937 Ontario Inc. (J. LeCluse), prospective owner, for a further modification to the established "G" District regulations for lands on the east side of Upper James Street and south of Regina Drive; Ryckman's Neighbourhood.
26. Amended Zoning Application 91-40, F. Toth, T. Di Franco and A. Coca, owners, for a change in zoning from "AA" to "C" for properties at 478 and 488 Rymal Road East; Chappel East Neighbourhood.
27. Other Business.
28. Adjournment.

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review underway
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.

1992 January 02

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 JANUARY 08

CONSENT AGENDA

ADOPTION OF MINUTES

- A. Minutes of the Planning and Development Committee Meeting held 1991 October 23.

BUILDING COMMISSIONER

B. Demolition Permit Applications

- (i) 660 Upper Paradise Road
- (ii) 668 Upper Paradise Road
- (iii) 456 Burlington Street East
- (iv) 27 Rymal Road West
- (v) 211 Brant Street
- (vi) 7 Gerrard Street
- (vii) 9 Gerrard Street
- (viii) 19 Gerrard Street
- (ix) 23 Gerrard Street
- (x) 27 Gerrard Street
- (xi) 391 Sherman Avenue North
- (xii) 358 Birch Avenue
- (xiii) 1141 Upper Sherman Avenue
- (xiv) 1147 Upper Sherman Avenue
- (xv) 90 Alpine Avenue
- (xvi) 390 Limeridge Road East

C. City of Hamilton Heritage Program

- (i) 219 Ferguson Avenue South
- (ii) 221 Ferguson Avenue South
- (iii) 223 Ferguson Avenue South
- (iv) 225 Ferguson Avenue South
- (v) 227 Ferguson Avenue South

BUILDING COMMISSIONER/CITY SOLICITOR

- D. Zoning By-law - Amend to include Definition of "Owner".

MANAGER OF PURCHASING

- E. Landscaping, demolition and concrete work, Crown Point West bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. Tracks, Stipeley P.R.I.D.E. Phase II - Issue Purchase Order to Braun Nursery, Mount Hope.
- F. Landscaping and maintenance, Crown Point West bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. Tracks, Stipeley P.R.I.D.E. Phase II - Issue Purchase Order to Aldershot Landscape, Burlington.
- G. Landscaping, demolition and concrete work, Crown Point West bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. Tracks, Stipeley P.R.I.D.E. Phase II - Issue Purchase Order to Cardeen Construction, Stoney Creek.

DIRECTOR OF PROPERTY

- H. Expropriation by City of Hamilton - 388 Birch Avenue, Grace Clara Finn.
- I. Release of Building Covenants - City and Region Sale to Mercanti - Parts 3,4,5,6,7,8 - Plan 62R-5200 - 100 Anchor Road, Stone Church Industrial Park - Construction Covenants as contained in City Deed 9495 and 86563.

SENIOR DIRECTOR - ROADS DEPARTMENT

- J. Queenston Heights Subdivision, Hamilton - Cash Payment in lieu of 5% Parkland dedication.

CITY CLERK

- K. Request for Resolutions for consideration at the FCM Annual Conference.

COMMISSIONER OF PLANNING AND DEVELOPMENT

- L. Amendment to By-law 91-176 - MacNab Charles Heritage District.
- M. Subdivision Application 25T-76024 - Extension of Draft Plan approval for "Battleridge" Subdivision; Butler Neighbourhood.
- N. Subdivision Application 25T-88016 - Request for Draft Plan approval for "Fontana Gardens" Subdivision; Gourley Neighbourhood.
- O. Subdivision Application 25T-89038 - Request for Draft Plan approval for "Crerar Court" Subdivision; Crerar Neighbourhood.
- P. Proposed Provincial Policy Statement on Wetlands.
- Q. Carter Square Neighbourhood Plan Amendment - Beasley Neighbourhood.

DIRECTOR OF PUBLIC WORKS

- R. Revised Board of Management - Downtown Promenade B.I.A. (1992 - 1994).
- S. Revised Board of Management - International Village B.I.A. (1992 - 1994).
- T. Revised Board of Management - Ottawa Street B.I.A. (1992-1994).

Wednesday, 1991 October 23
9:30 o'clock a.m.
Room 233, City Hall

A

The Planning and Development Committee met.

There were present: Alderman Fred Lombardo, Chairperson
Alderman Don Drury, Vice-Chairperson
Alderman Mary Kiss
Alderman Don Ross
Alderman Vince Formosi
Alderman Henry Merling
Alderman Dave Wilson
Alderman Bill McCulloch

Regrets: Mayor Robert Morrow

Also present: Alderman Vince Agro
Lou Sage, Chief Administrative Officer
Alex Georgieff, Director of Local Planning
Lou Lanza, Regional Engineering Department
Lorne Farr, Law Department
Dave Powers, Law Department
Nina Chapple, Planning Department
John Robinson, Building Department
Jacqueline McNeilly, Public Works Department
Konrad Brenner, Regional Engineering Department
Mike Watson, Property Department
Willy Wong, Building Department
John Sakala, Planning Department
Reg Meiers, Public Works Department
Roland Karl, Traffic Department
Jan Pacey, Public Works Department
Joe Schatz, City Clerk's Department
Paul Mallard, Planning Department
Mark Mascarenhas, Housing Department
Charlene Coutts, Secretary

CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1991 October 2 and these minutes were adopted as circulated.

BUILDING COMMISSIONER

B. Demolition Permit Application - 7 Emerald Street South.

The Committee was in receipt of a report dated 1991 October 15, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 7 Emerald Street South.

C. Commercial Facade Loan Programme - 1008, 1010 King Street West and 5, 7, 9, 11 Marion Avenue, Hamilton.

The Committee was in receipt of a report dated 1991 October 15, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That a Commercial Facade Loan in the amount of thirty thousand dollars (\$30,000.) be approved for Jacob Rozenzweig, 1008, 1010 King Street West, and 5, 7, 9, 11 Marion Avenue, Hamilton. The interest rate will be 4-3/4 percent, amortized over 10 years.

D. City of Hamilton Heritage Programme - 64 Forest Avenue, Hamilton.

The Committee was in receipt of a report dated 1991 October 15, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to the Trustees of the Church of the Ascension, 64 Forest Avenue, Hamilton.

E. City of Hamilton Heritage Programme - 98 James Street South, Hamilton.

The Committee was in receipt of a report dated 1991 October 15, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That a Designated Property Grant in the amount of one thousand, five hundred and fifty dollars (\$1,550.) be provided to the James Street Baptist Church, 98 James Street South, Hamilton.

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

F. Harbottle Estates - Phase 1, Hamilton - Cash Payment in Lieu of 5% Parkland Dedication.

The Committee was in receipt of a report dated 1991 October 15, from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter. The Committee approved the following recommendation:

That the City of Hamilton accept the sum of \$13,125. as cash payment in lieu of the 5% land dedication in connection with "Harbottle Estates - Phase 1", Hamilton, being the cash payment required under Section 50 of the Planning Act. The lands of Harbottle Estates - Phase 2 are located west of Chesley Street and north of Stone Church Road West in the Gourley Neighbourhood.

G. Eastgate Heights Extension, Hamilton - Cash Payment in Lieu of 5% Parkland Dedication.

The Committee was in receipt of a report dated 1991 October 4, from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter. The Committee approved the following recommendation:

That the City of Hamilton accept the sum of \$8,390. as cash payment in lieu of the 5% land dedication in connection with "Eastgate Heights Extension", Hamilton, being the cash requirement under Section 50 of the Planning Act. The lands of Eastgate Heights Extension are located west of Centennial Parkway and south of Barton Street in the Kentley Neighbourhood.

DIRECTOR OF PROPERTY

H. Settlement of Expropriation by City of Hamilton - 402 Birch Avenue - Joseph Sprackman & Associates Inc. (Alpha West Residential Enclave).

The Committee was in receipt of a report dated 1991 October 15, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an Agreement by Owner to Accept Compensation for the property of Joseph Sprackman & Associates Inc., executed on 1991 October 7 and scheduled to close on 1991 December 13, be accepted and completed. The subject property being Municipal Number 402 Birch Avenue, having a total frontage along the southerly limit of Birch Avenue of 7.62 metres (25 feet), more or less, shown as Part 3 on Expropriation Plan No. 79837, together with all structures erected thereon. That the total compensation of \$39,200. along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 402 Birch Avenue take place upon closing.
- (b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

I. Release of Construction Covenants - Adanac Ornamental Iron Works Limited (Eugene Charko and Louis Jackle) - 1224 Stone Church Road East, Hamilton - Covenants as set out in Instrument Number 292187 A.B.

The Committee was in receipt of a report dated 1991 October 15, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1224 Stone Church Road East, Hamilton, from the construction covenants to the City as contained in Instrument Number 292187 A.B., registered on 1973 May 14.

- J. Release of Construction Covenants - 658414 Ontario Inc. (Luciano Di Diodato) - Parts 1 and 2, Plan 62R-6941, 766 Burlington Street East, Hamilton - Covenants as set out in Instrument Number 379993 C.D.

The Committee was in receipt of a report dated 1991 October 9, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 766 Burlington Street East, Hamilton, from the construction covenants to the City as contained in Instrument Number 379993 C.D., registered on 1986 September 19.

COMMISSIONER OF PLANNING AND DEVELOPMENT

- K. By-law No. 91-128 - Revised Schedule "A".

The Committee was in receipt of a report dated 1991 October 9, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 91-128 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front lot line of Block "2" and the west side lot line of Block "4", for the lands municipally known as 829, 837, 845 and 867 Rymal Road East, as shown on the map attached to the report and marked as Appendix "A".

- L. Draft Plan of Condominium, Southern Gardens Terrace.

The Committee was in receipt of a report dated 1991 October 7, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That approval be given to Application 25CDM-91003, 886417 Ontario Inc., owner, to establish a draft plan of condominium located on the north side of Rymal Road East, east of Upper Gage Avenue, subject to the following:

- (a) That this approval apply to the plan prepared by A. T. McLaren Limited, dated 1991 February 5, showing 18 apartment units.

REGULAR AGENDADELEGATIONS**2. Jamesville Business Improvement Area - Results of Vote.**

The Committee was in receipt of an Information Report from the City Clerk dated 1991 October 15, which outlined the results of the Jamesville Business Improvement Area vote that was held on 1991 October 9. Committee members were informed that of the 157 eligible voters, 86 ballots were cast of which 19 were cast in favour and 67 were cast in opposition.

Some concerns were raised by the Committee that other Business Improvement Areas will come forward to disband. Lorne Farr, Law Department, advised the Committee that it is up to City Council to establish B.I.A.'s and to subsequently disband them.

Alderman Agro addressed the Committee with respect to this matter and hoped that they would carry out the wishes of the majority who voted to disband the Business Improvement Area. Alderman Agro also circulated a resolution with respect to the Jamesville Business Improvement Area that was prepared by the Deputy City Clerk.

After considerable discussion, the Committee approved the following recommendation:

WHEREAS a vote of the Jamesville Business Improvement Area Merchants was held on 1991 October 9, in accordance with the resolution adopted by City Council on 1991 September 24; and,

WHEREAS the Merchants by an overwhelming majority indicating their opposition to a Jamesville Business Improvement Area; and,

WHEREAS the resolution adopted by City Council on 1991 September 24, provided for City Council to abide by the wishes of the majority of the Merchants;

THEREFORE BE IT RESOLVED that the Jamesville Business Improvement Area be abolished and that the City Solicitor be authorized and directed to prepare a By-law to repeal By-law No. 85-198 "Designating the Jamesville Business Improvement Area" and By-law No. 86-74 "Establishing a Board of Management" for submission to City Council; and,

FURTHER that staff be authorized and directed to take the steps necessary for the City of Hamilton to assume the assets and liabilities of the Jamesville Business Improvement Area in accordance with Section 217 of The Municipal Act.

Alderman McCulloch and Alderman Wilson wished to be recorded as opposed to this motion.

3. C.P. Rail - former T.H. & B. Roundhouse

The Committee was in receipt of a letter dated 1991 September 9, from C.P. Rail respecting the former T.H. & B. Roundhouse which was referred to the Planning and Development Committee by City Council at its meeting held 1991 September 24. The Planning and Development Committee at its last meeting agreed to table this matter in order for Alderman Wilson to meet with the Ontario Worker's Arts and Heritage Centre Board of Management. Alderman Wilson advised Committee members that this meeting scheduled for 1991 October 8 was cancelled, however, requested that this matter be placed back on the agenda so that this matter could be resolved.

Alderman McCulloch informed Committee members that C.P. Rail should be commended for recognizing the significance of this building and for delaying the demolition in order for the City to explore possible alternative solutions and/or uses for this building.

The Committee was reminded that the Law Department at the last meeting advised that the City cannot assume liability for a property that it neither leases nor owns.

Given the financial commitment required, the Committee approved the following recommendation:

That City Council, after considering the offer of C.P. Rail to delay demolition of the former T.H. & B. Roundhouse provided that the City assumes liability for this building, advise C.P. Rail that the City will not assume any liability for this building.

BUILDING COMMISSIONER

4. Eligibility Amendment - Ontario Home Renewal Programme.

The Committee was in receipt of a report dated 1991 October 15, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That City Council request the Provincial Government's Ministry of Housing to amend the eligibility criteria for the Ontario Home Renewal Programme (OHRP) to enable the City of Hamilton to process rehabilitation loans and grants from the existing municipal recyclable accounts.

Note: The cost to the Province and the Municipality to implement these changes will be nothing, but will permit the City to use available funds designated for this purpose.

DIRECTOR OF PROPERTY

5. Zoning By-law No. 91-144 - Former Inverness School Site, 402 Upper Wentworth Street.

The Committee was in receipt of a report dated 1991 October 17, from the Director of Property respecting the above-noted matter. The Committee approved the following recommendation:

That the City Solicitor be directed to prepare a by-law for presentation to City Council to repeal Zoning By-law No. 91-144, approved by City Council on 1991 July 30, pursuant to Section 34 of the Planning Act.

COMMISSIONER OF PLANNING AND DEVELOPMENT**6. Site Plan Control Application DA 91-40 to amend DA 88-136, property located at 18 Main Street East.**

The Committee was in receipt of a report dated 1991 October 15, from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That approval be given to Site Plan Control Application DA-91-40, by DeSantis Group Inc., owner of lands at 18 Main Street East, for a commercial/residential complex with public parking facilities to amend approved plans of Site Plan Control Application DA-88-136, to incorporate changes to the residential component, subject to the following:
 - (i) modification to the plans related to dimensions and notes as marked in red on the plans; and,
- (b) That the following resolution be forwarded to City Council;
 - (i) That approval be given to register the plans of Site Plan Control Application DA-91-40 by DeSantis Group Inc., owner of lands at 18 Main Street East, to amend the plans of Site Plan Control Application DA-88-136, registered on title on December 5, 1990 as Instrument No. LT 291766.

DIRECTOR OF PUBLIC WORKS**7. Commercial Improvement Programme - Funding of Studies.**

The Committee was in receipt of a report dated 1991 October 15, from the Director of Public Works respecting the above-noted matter.

On the recommendation of staff, Item No. 4 as part of the report was deleted.

The Committee approved the following recommendation as amended:

That the Commercial Improvement Programme Selection Criteria that was amended by City Council at its meeting held 1990 February 27, be further amended to allow for partial funding of Consultants' studies within Business Improvement Areas (B.I.A.'s) according to the following criteria:

- (a) The Commercial Improvement Programme would fund consultants' studies at 25% of the total cost to a maximum of two thousand, five hundred dollars (\$2,500.).
- (b) Prior to approving a B.I.A.'s submission for financial assistance, the B.I.A. must demonstrate that all other sources of funding have been exhausted.
- (c) The consultant hired to carry out the Study must provide a written and verbal report on their progress to the Downtown Action Plan Coordinating Committee (DAPCOM) and must be willing to liaise directly with both the City and the B.I.A. for input on the project.

Note: Any B.I.A. that has carried out a study and incurred this expense, will be reimbursed upon submission of an invoice.

ZONING APPLICATIONS10:30 O'CLOCK A.M.

8. City Initiative 91-F, for a change in zoning from "RT-10" District to "DE" District modified for property at 1100 Limeridge Road East; Trenholme Neighbourhood.

The Committee was in receipt of a report dated 1991 October 9, from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following recommendation:

That approval be given to City Initiative 91-F, for a change in zoning from "RT-10" (Townhouse) District, modified to "DE" (Low Density Multiple Dwellings) District, modified, to permit development of the subject lands for a 4 storey, 57 unit senior citizens apartment building, by the Municipal Non-Profit (Hamilton) Housing Corporation, for property located at 1100 Limeridge Road East, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "RT-10" (Townhouse) District to "DE" (Low Density Multiple Dwellings) District;
- (b) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 10A of By-law No. 6593, only a multiple dwelling containing not more than 57 Senior Citizens' Dwelling Units shall be permitted;
 - (ii) For the purposes of this By-law, a Senior Citizens' Dwelling Unit shall mean a separate set of living quarters, operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, for qualifying senior citizens, and which shall include at least one room and separate kitchen and sanitary conveniences with a private entrance outside or from a common hallway or stairway inside.
 - (iii) That notwithstanding Section 10A(2) of By-law No. 6593, a maximum height of not more than four storeys shall be permitted;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1251, and the subject lands on Zoning District Map E-59B be notated S-1251;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59B for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Trenholme Neighbourhood Plan be amended by redesignating the subject lands to "Low Density Apartments".

9. Zoning Application 91-41, Tyka Investments Limited, owner, for a change in zoning from "AA" District to "C" District and "RT-30" District for property at 1158 Upper Wentworth Street; Crerar Neighbourhood.

The Committee was in receipt of a report dated 1991 October 17, from the Commissioner of Planning and Development respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed Committee members that he has met with the applicant with respect to traffic restrictions on Upper Wentworth Street. After some discussion, the Committee approved the following recommendation:

That amended Zoning Application 91-41, Tyka Investment Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit development of the subject lands for eighteen townhouse condominium units, for property located at 1158 Upper Wentworth Street, as shown on the map attached to the report and marked as Appendix "A", be denied for the following reasons:

- (a) It conflicts with the intent of the Official Plan in that it is an intrusion of townhouses into the established development pattern of small lot single-family detached homes in this area of the neighbourhood. In this regard, the proposal would contribute to an indiscriminate mix of housing types;
- (b) It conflicts with the intent of the approved Crerar Neighbourhood Plan which designates the land as "Single and Double Residential";
- (c) Approval of the application would prejudice the development of the adjoining lands to the west in accordance with the draft approved plan of subdivision and the approved Crerar Neighbourhood Plan; and,
- (d) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area and undermine the approved Crerar Neighbourhood Plan.

10. Zoning Application 91-43, Hamcon Co-operative Housing Services, prospective owner, for a change in zoning from "H" District to "E" District modified for property at 145 MacNab Street North; Central Neighbourhood.

The Committee was in receipt of a report dated 1991 October 16, from the Commissioner of Planning and Development respecting the above-noted matter.

Paul Mallard, Planning Department, advised Committee members that the staff recommendation to table was based on the need for a soil study; however, staff have since been informed that the Ministry of the Environment has approved the soil study for this particular property in 1990. Staff did, however, indicate that this matter should remain tabled until some design issues and the height of the building have been resolved.

Alderman McCulloch advised Committee members that he has spoken to the individuals who have submitted a petition with respect to this Zoning Application and agreed that this matter should be tabled so that both sides can come to an agreement.

The Committee approved the following recommendation:

That amended Zoning Application 91-43, Hamcon Co-operative Housing Services, prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit development of the subject lands for a 7 storey, 100 unit non-profit housing apartment building, including a health care centre of 70 m² (750 square feet), a meeting room of 185.8 m² (2,000 square feet), and offices of 111.5 m² (1,200 square feet), as shown on the map attached to the report and marked as APPENDIX "A", be **TABLED** to resolve design issues and the height of the building.

10:45 O'CLOCK A.M.

11. **Zoning Application 91-48, Rymal Gardens Inc., owner, for a change in zoning from "RT-10" District to "RT-20" District for lands located on the east side of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East: Chappel East Neighbourhood.**

The Committee was in receipt of a report dated 1991 October 9, from the Commissioner of Planning and Development respecting the above-noted matter.

The Secretary also circulated an added submission from Janice Lattin, Trans Canada Pipelines, Calgary, Alberta, which outlines some concerns with respect to this application.

After some discussion the Committee approved the following recommendation:

That approval be given to Zoning Application 91-48, Rymal Gardens Inc., owner, for a change in zoning from "RT-10" (Townhouse) District to "RT-20" (Townhouse -Maisonette) District, to permit the development of townhouses, for property located on the east side of the proposed extension of Upper Wentworth Street, in the area south of Rymal Road East, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

- (a) That the subject lands be rezoned from "RT-10" (Townhouse) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement;
 - (i) That notwithstanding Section 10E(2)(a)3. street townhouses shall be prohibited fronting onto the proposed extension of Upper Wentworth Street;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1252, and that the subject lands on Zoning District Map E-27E be notated S-1252;
- (d) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

12. Zoning Application 91-35, R. Kozell, owner, for a modification to the established "D" District regulations for property at 77 Graham Street North; Crown Point East Neighbourhood.

The Committee was in receipt of a report dated 1991 October 11, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of a submission dated 1991 October 15, from Mr. and Mrs. R. Cane, 79 Graham Avenue North, received in opposition to this zoning application.

Paul Mallard, Planning Department, made a presentation with respect to the zoning application and Committee members were informed that of the 214 notices circularized, 11 were received in favour and 37 were received in opposition.

Mr. Joseph Solomon, agent for the applicant, appeared before the Committee and advised Committee members that this building has been used as a 4 family dwelling for approximately 20 years.

Mr. Cane, 79 Graham Avenue North, appeared before the Committee to express his opposition with respect to the zoning application.

Mr. Lou Arnold, 89 Graham Avenue North, also appeared before the Committee and advised that 14 people presently live at this property and given the poor condition of the building, Mr. Arnold stated that he feels that the building should be condemned.

Mr. Solomon, representing the owner, added that the property has been owned by the applicant since 1988 October, and that he lives on the premises, therefore the house will be better maintained.

Alderman Dave Wilson advised Committee members that the house is in terrible condition and added that at present the house does not represent good planning.

After some discussion the Committee approved the following recommendation:

That Zoning Application 91-35 R. Kozell, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to legalize the established four-family dwelling, for property located at 77 Graham Street North, as shown on the map attached to the report and marked as Appendix "A", be denied for the following reasons:

- (a) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominately occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;
- (b) The proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "D" District would only permit one accessory apartment as-of-right in all existing single-family dwellings, and two of the converted dwelling units would not meet the minimum 65m² (700 sq. ft.) floor area requirement;

- (c) It is an overintensification of use, in that adequate off-street parking cannot be provided (five spaces required - 3 spaces possible); and,
- (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-Law and change the character of the neighbourhood.

13. OTHER BUSINESS

Alderman Fred Lombardo thanked Committee members for their support and involvement on the Planning and Development Committee and wished them all well in the upcoming election.

14. ADJOURNMENT

There being no further business the meeting then adjourned.

Taken as read and approved,

ALDERMAN FRED LOMBARDO, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Charlene J. Coutts
Secretary
1991 October 23

CITY OF HAMILTON
- RECOMMENDATION -

Bi

DATE: 1991 November 12


REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
660 Upper Paradise Road

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 660 Upper Paradise Road.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: One and a half storey wood frame dwelling. Exterior in fair condition, interior in poor condition and does not meet Ontario Building Code and Property Standards requirements.

It is the intention of the owner to demolish the existing single family dwelling for the proposed Mountain Freeway.

The owner of the property as per the demolition permit application is:

Corporation of the City of Hamilton
Attention: Real Estate Division
Property Department
Dominic Consoli

Extension 2738

91.2.4.2.1.A

CITY OF HAMILTON
- RECOMMENDATION -

B ii

DATE: 1991 October 29

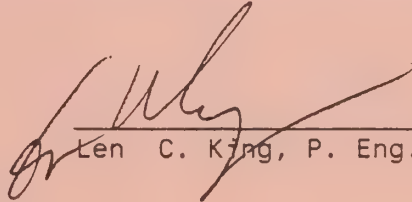
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
668 Upper Paradise Road - Tag Number 85265

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 668 Upper Paradise Road.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" (Agricultural District)

PRESENT USE: Single family dwelling - vacant

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: One storey wood frame sided dwelling in poor condition and open to trespass.

It is the intention of the Regional Municipality of Hamilton-Wentworth to demolish the existing dwelling for the future Mountain Freeway.

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth
Attention: Dominic Consoli
Property Department, Real Estate Division

91.2.4.2.1.A

CITY OF HAMILTON
- RECOMMENDATION -

Biii

DATE: 1991 November 12

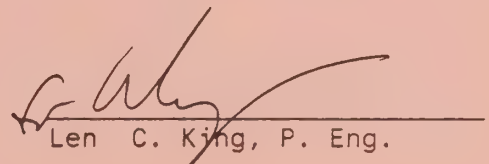
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
456 Burlington Street East

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 456 Burlington Street East.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K/S-727" (Heavy industrial) modified

PRESENT USE: Single family dwelling

PROPOSED USE: Perimeter Industrial Road

BRIEF DESCRIPTION: Two storey brick dwelling in a deteriorated condition.

It is the intention of the owner to demolish the existing single family dwelling to accommodate the proposed Perimeter Industrial Road. Lot size 25.00' X 88.00'.

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth
Attention: Real Estate Division
Property Department
Dominic Consoli Extension 2738

91.2.4.2.1.A

CITY OF HAMILTON
- RECOMMENDATION -

Biv

DATE: 1991 October 29

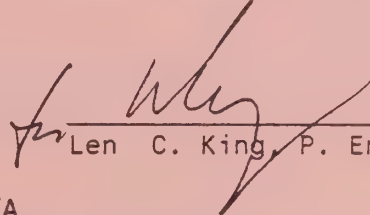
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
27 Rymal Road West - Tag Number 85256

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 27 Rymal Road West.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single family dwelling - vacant

PROPOSED USE: Commercial building

BRIEF DESCRIPTION: One storey wood frame dwelling in good condition.

It is the intention of the owner to demolish the existing dwelling and propose a commercial building. The owner has presently an application for zoning change to permit the proposed use. The zoning change is presently in the draft by-law stage. Lot size 62.00' X 200.00'.

The owner of the property as per the demolition permit application is:

Felice Bozzo/Christopher Pies
Fiddlers Green
P.O. Box 81100
ANCASTER, Ontario
L9G 4X1
Attention: Felice Bozzo

91.2.4.2.1.A

CITY OF HAMILTON

B v

- RECOMMENDATION -

DATE: 1991 December 17

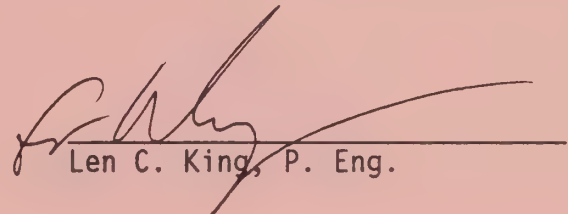
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
211 BRANT STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 211 Brant Street.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: One and half storey masonry dwelling in fair condition

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 69.67' x 87.17'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

B vi

- RECOMMENDATION -

DATE: 1991 December 17

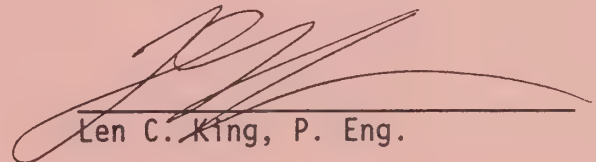
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
7 GERRARD STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 7 Gerrard Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: One half of a semi-detached building. Two and half storey wood frame dwelling in very poor condition and also fire damaged.

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 19.00' x 94.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

B vii

- RECOMMENDATION -

DATE: 1991 December 17

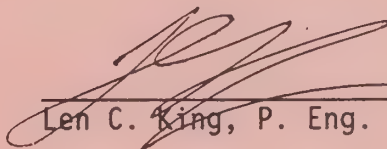
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
9 GERRARD STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 9 Gerrard Street.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: One half of a semi-detached building. Two and half storey wood frame dwelling in very poor condition and also fire damaged.

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 19.00' x 95.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Bviii

DATE: 1991 December 17

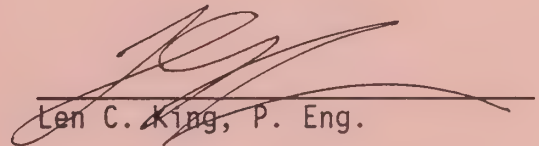
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
19 GERRARD STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 19 Gerrard Street.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: Two storey wood frame dwelling in very poor condition.

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 20.00' x 100.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

Bix

- RECOMMENDATION -

DATE: 1991 December 17

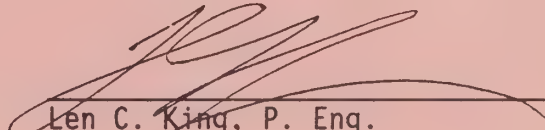
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
23 GERRARD STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 23 Gerrard Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: Two storey wood frame dwelling in very poor condition.

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 19.00' x 100.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

Bx

- RECOMMENDATION -

DATE: 1991 December 17

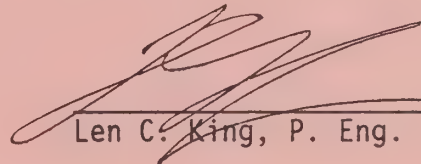
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
27 GERRARD STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 27 Gerrard Street.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: Two storey wood frame dwelling in very poor condition.

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 19.00' x 100.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Bxi

DATE: 1991 December 17

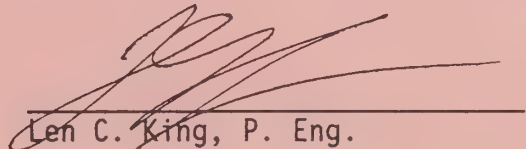
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
391 SHERMAN AVENUE NORTH

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 391 Sherman Avenue North.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: One half of a semi-detached building. Two and half storey wood frame dwelling in very poor condition.

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 22.00' x 90.00'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Bxii

DATE: 1991 December 17

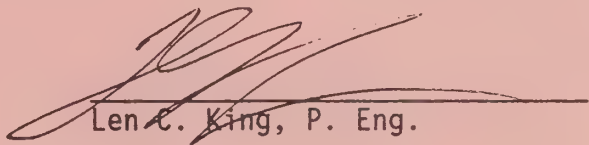
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
358 BIRCH AVENUE

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 358 Birch Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Residential Enclave Clearance Program

BRIEF DESCRIPTION: One and half storey dwelling in fair condition

It is the intentions of the City to demolish the existing dwelling as the property is required for the Residential Enclave Clearance Program. Lot size 34.50' x 56.50'.

The owner of the property as per the demolition permit application is:

City of Hamilton
Real Estate Division
Property Department
Attention: Dominic Consoli
Telephone: 546-2738

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

Bxiv

- RECOMMENDATION -

DATE: 1991 December 17

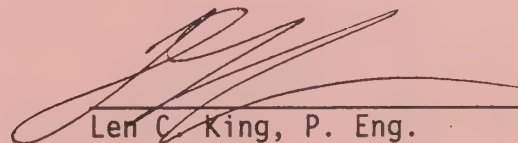
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1147 UPPER SHERMAN AVENUE

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1147 Upper Sherman Avenue.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: One storey wood frame construction dwelling. Building is in poor condition.

It is the intention of the Region to demolish the existing single family dwelling for the proposed Mountain Freeway. Lot size 75.00' x 553.00'.

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth
Real Estate Division
Property Department
Attention: Dominic Consoli

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

B xv

- RECOMMENDATION -

DATE: 1991 December 17

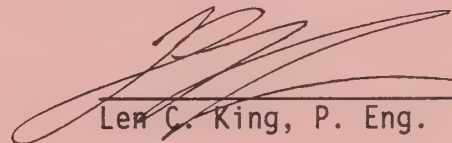
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
90 ALPINE AVENUE - Tag Number 85594

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 90 Alpine Avenue.


Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey dwelling in a condition of disrepair. The roof, siding and chimney is damaged and the interior of the dwelling is in a poor condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 36.00' x 100.00'.

The owner of the property as per the demolition permit application is:

Chris Provost
65 Hoover Crescent
Hamilton, Ontario
L9A 3H2
Telephone Number: 383-1197

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

Bxvi

- RECOMMENDATION -

DATE: 1991 December 17

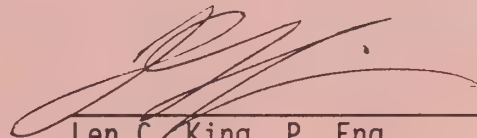
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
390 LIMERIDGE ROAD EAST - Tag Number 85577

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 390 Limeridge Road East.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "DE-3" (Multiple Dwelling)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Townhouses

BRIEF DESCRIPTION: One storey elevated bungalow constructed of wood frame. Roof needs to be repaired. Exterior appears to be in good condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a townhouse development. Lot size 50.00' x 219.39'.

The owner of the property as per the demolition permit application is:

Spallacci Construction Ltd.
10 Woodside Drive
Hamilton, Ontario
L8T 1C3

c.c. 91.2.4.2.1.A

CITY OF HAMILTON
- RECOMMENDATION -

Ci

DATE: 1991 November 19

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
219 Ferguson Avenue South, Hamilton (HERITAGE #72)

RECOMMENDATION:



That an increase of one hundred and seventy-five dollars (\$175.) be approved under the Community Heritage Trust Fund for a revised loan amount of five hundred and eighty-seven dollars (\$587.) for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,

That an increase of one hundred and seventy-five dollars (\$175.) be approved under the Designated Property Grant Programme for a revised grant amount of five hundred and eighty-eight dollars (\$588.) for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.



219 Ferguson Avenue South
Heritage Programme
Page 2

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council in 1990. The owners of the designated property located at 219 Ferguson Avenue South have applied under the Programme for the painting of the exterior trim and windows.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$587., and a Community Trust Fund loan in the amount of \$587. at six percent interest be approved. The monthly payments will be \$26.02 amortized over two years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$1,175.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Cii

DATE: 1991 November 19

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
221 Ferguson Avenue South, Hamilton (HERITAGE #73)

RECOMMENDATION:



That an increase of one hundred dollars (\$100.) be approved under the Community Heritage Trust Fund for a revised loan amount of four hundred and fifty dollars (\$450.) for Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,

That an increase of one hundred dollars (\$100.) be approved under the Designated Property Grant Programme for a revised grant amount of four hundred and fifty dollars (\$450.) for Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.



221 Ferguson Avenue South
Heritage Programme
Page 2

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council in 1990. The owners of the designated property located at 221 Ferguson Avenue South have applied under the Programme for the painting of the exterior trim and windows.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$450., and a Community Trust Fund loan in the amount of \$450. at six percent interest be approved. The monthly payments will be \$19.94 amortized over two years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$900.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Ciii

DATE: 1991 November 19

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
223 Ferguson Avenue South, Hamilton (HERITAGE #68)

RECOMMENDATION:



That an increase of two hundred and thirteen dollars (\$213.) be approved under the Community Heritage Trust Fund for a revised loan amount of five hundred and fifty dollars (\$550.) for P. L. Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,

That an increase of two hundred and twelve dollars (\$212.) be approved under the Designated Property Grant Programme for a revised grant amount of five hundred and fifty dollars (\$550.) for P. L. Preston, 223 Ferguson Avenue South, Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.



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223 Ferguson Avenue South
Heritage Programme
Page 2

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council in 1990. The owners of the designated property located at 223 Ferguson Avenue South have applied under the Programme for the painting of the exterior trim and windows.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$550., and a Community Trust Fund loan in the amount of \$550. at six percent interest be approved. The monthly payments will be \$24.38 amortized over two years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$1,100.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Civ

DATE: 1991 November 19

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
225 Ferguson Avenue South, Hamilton (HERITAGE #70)

RECOMMENDATION:



That an increase of two hundred and thirteen dollars (\$213.) be approved under the Community Heritage Trust Fund for a revised loan amount of five hundred and fifty dollars (\$550.) for Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,

That an increase of two hundred and thirteen dollars (\$213.) be approved under the Designated Property Grant Programme for a revised grant amount of five hundred and fifty dollars (\$550.) for Hugh Caughey, 225 Ferguson Avenue South, Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.



225 Ferguson Avenue South
Heritage Programme
Page 2

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council in 1990. The owners of the designated property located at 225 Ferguson Avenue South have applied under the Programme for the painting of the exterior trim and windows.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$550., and a Community Trust Fund loan in the amount of \$550. at six percent interest be approved. The monthly payments will be \$24.38 amortized over two years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$1,100.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Cv

DATE: 1991 November 19

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
227 Ferguson Avenue South, Hamilton (HERITAGE #71)

RECOMMENDATION:



That an increase of two hundred and sixty-two dollars (\$262.) be approved under the Community Heritage Trust Fund for a revised loan amount of six hundred and twelve dollars (\$612.) for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,

That an increase of two hundred and sixty-three dollars (\$263.) be approved under the Designated Property Grant Programme for a revised grant amount of six hundred and thirteen dollars (\$613.) for Elaine Elson, 227 Ferguson Avenue South, Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of \$10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.



Handwritten notes:
- 10% admin fee
- 10% admin fee

227 Ferguson Avenue South
Heritage Programme
Page 2

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council in 1990. The owners of the designated property located at 227 Ferguson Avenue South have applied under the Programme for the painting of the exterior trim and windows.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of \$613., and a Community Trust Fund loan in the amount of \$612. at six percent interest be approved. The monthly payments will be \$27.12 amortized over two years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$1,225.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 3

REPORT TO: Tina Agnello, Acting Secretary
Planning and Development Committee

FROM: P. Noé Johnson Len C. King
City Solicitor Building Commissioner

SUBJECT: Zoning By-Law - Definition "Owner"

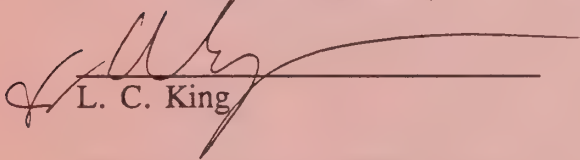
RECOMMENDATION:

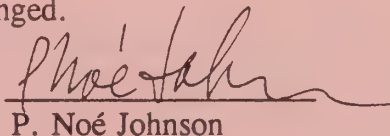
a) That Zoning By-law 6593 be amended as follows:

Section 2(2)(k)vii

"owner means the person, corporation or other entity registered on title as owner or any person, corporation or other entity having control of the property, including those receiving rents for the property, whether on their own account or as agent or trustee of any other person or entity."

b) That the required public meeting be arranged.


L. C. King


P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: In the enforcement process of the City Zoning By-Law a recent prosecution case where the City alleged an improper use of land as a two family dwelling contrary to the By-Law, indicated that a definition of "owner" should be included in the Zoning By-Law.

DISCUSSION: The City laid an information alleging improper use of land as a two family dwelling in contravention of the Zoning By-Law for 565 James Street North. The information was laid against the Home Savings and Loan Corporation as the owner since the property was subject to "power of sale". The City argued that the Corporation had assumed beneficial ownership of the property at the time the violation occurred under its mortgage agreement, but was unable to substantiate to the satisfaction of the Court that the Corporation received the rents. Even if there had been evidence that the mortgage company had received the rent, the Court could have found that the mortgagee did not meet the definition of "owner". The definition proposed is similar to that which currently exists in the Fire Code.

CITY OF HAMILTON
- RECOMMENDATION -

E

DATE: 1991 November 25

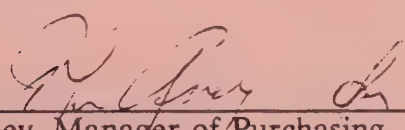
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: LANDSCAPING, DEMOLITION AND CONCRETE WORK,
CROWN POINT WEST BOUNDED BY GAGE AVENUE,
MAIN STREET, OTTAWA STREET AND THE C.N.
TRACKS, STIPELEY P.R.I.D.E. PHASE II

RECOMMENDATION:

- a) That a purchase order be issued to Braun Nursery, Mount Hope, in the amount of \$83,460, including all taxes, plus a 10% contingency allowance of \$8,346, being the lowest acceptable of seven tenders received, to provide landscaping, demolition and concrete work, Crown Point West, bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. tracks, Stipeley P.R.I.D.E. Phase II, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Crown Point West/Stipeley P.R.I.D.E. Phase II Account No. CF5200 428902002.
- b) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".



T. Bradley, Manager of Purchasing



REPORT TO: Planning and Development Committee

FROM: Mr. T. Bradley

SUBJECT: LANDSCAPING, DEMOLITION AND CONCRETE
WORK, CROWN POINT WEST BOUNDED BY
GAGE AVENUE, MAIN STREET, OTTAWA
STREET AND THE C.N. TRACKS, STIPELEY
P.R.I.D.E. PHASE II

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Tender Analysis

	<u>Total Price</u>
Ed Ciardullo Garden Centre, Hamilton	\$ 7,807.59 *
O. Ciccarelli & Sons, Ancaster	83,178.21 **
Braun Nursery, Mount Hope	83,460.00
Bud's Contracting, Stoney Creek	93,994.15
Aldershot Landscape, Burlington	94,831.96
Cardeen Construction, Stoney Creek	99,658.73
Brantford Landscaping, Paris	157,892.53

* Partial bid. ** Number of working days for completion 30, as opposed to 18 for the firm being recommended. Above prices include all taxes. A 10% contingency allowance is extra.

F

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 November 25

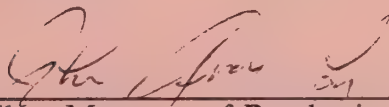
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: LANDSCAPING AND MAINTENANCE, CROWN POINT
WEST BOUNDED BY GAGE AVENUE, MAIN STREET,
OTTAWA STREET AND THE C.N. TRACKS, STIPELEY
P.R.I.D.E. PHASE II

RECOMMENDATION:

- a) That a purchase order be issued to Aldershot Landscape, Burlington, in the amount of \$71,071.54, including all taxes, plus a 10% contingency allowance of \$7,107.00 being the lowest of seven tenders received, to provide landscaping and maintenance, Crown Point West, bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. tracks, Stipeley P.R.I.D.E. Phase II, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Crown Point West/Stipeley P.R.I.D.E. Phase II Account No. CF5200 428902002.
- b) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".



T. Bradley, Manager of Purchasing

✓


11-25-91

REPORT TO: Planning and Development Committee

FROM: Mr. T. Bradley

SUBJECT: LANDSCAPING AND MAINTENANCE, CROWN
POINT WEST BOUNDED BY GAGE AVENUE,
MAIN STREET, OTTAWA STREET AND THE C.N.
TRACKS, STIPELEY P.R.I.D.E. PHASE II

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Tender Analysis

	<u>Total Price</u>
Ed Ciardullo Garden Centre, Hamilton	\$ 68,782.59 *
Aldershot Landscape, Burlington	71,071.54
O. Ciccarelli & Sons, Ancaster	73,612.00
Braun Nursery, Mount Hope	85,578.60
Bud's Contracting, Stoney Creek	89,334.30
Cardeen Construction, Stoney Creek	102,693.25
Brantford Landscaping, Paris	152,963.05

* Partial bid

Above prices include all taxes. A 10% contingency allowance is extra.

CITY OF HAMILTON
- RECOMMENDATION -

G

DATE: 1991 November 25

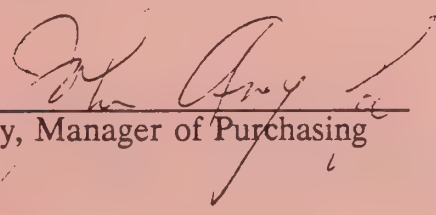
REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: LANDSCAPING, DEMOLITION AND CONCRETE WORK,
CROWN POINT WEST BOUNDED BY GAGE AVENUE,
MAIN STREET, OTTAWA STREET AND THE C.N.
TRACKS, STIPELEY P.R.I.D.E. PHASE II

RECOMMENDATION:

- a) That a purchase order be issued to Cardeen Construction, Stoney Creek, in the amount of \$54,775.44, including all taxes, plus a 10% contingency allowance of \$5,477, being the lowest of seven tenders received, to provide landscaping, demolition and concrete work, Crown Point West, bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. tracks, Stipeley P.R.I.D.E. Phase II, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Crown Point West/Stipeley P.R.I.D.E. Phase II Account No. CF5200 428902002.
- b) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".


T. Bradley, Manager of Purchasing



REPORT TO: Planning and Development Committee

FROM: Mr. T. Bradley

SUBJECT: LANDSCAPING, DEMOLITION AND CONCRETE
WORK, CROWN POINT WEST BOUNDED BY
GAGE AVENUE, MAIN STREET, OTTAWA
STREET AND THE C.N. TRACKS, STIPELEY
P.R.I.D.E. PHASE II

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND: Tender Analysis

	<u>Total Price</u>
Cardeen Construction, Stoney Creek	\$ 54,775.44
Aldershot Landscape, Burlington	55,965.28
Ed Ciardullo Garden Centre, Hamilton	57,327.00
Braun Nursery, Mount Hope	60,990.00
O. Ciccarelli & Sons, Ancaster	67,445.73
Bud's Contracting, Stoney Creek	69,170.15
Brantford Landscaping, Paris	105,051.26

Above prices include all taxes. A 10% contingency allowance is extra.

CITY OF HAMILTON
- RECOMMENDATION -

H

DATE: 1991 December 9

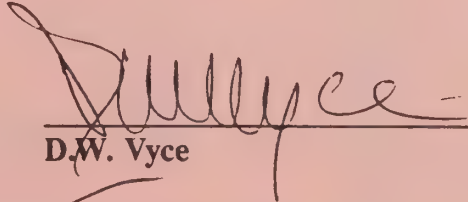
REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Expropriation by City of Hamilton
- 388 Birch Avenue, Grace Clara Finn

RECOMMENDATION:

- a) That an Agreement by Owner to Accept compensation for the property of Grace Clara Finn, executed on November 26, 1991 and scheduled for closing on or before February 25, 1992, be accepted and completed. The subject property being Municipal Number 388 Birch Avenue, having a total frontage along the southerly limit of Birch Avenue of 7.0 metres (23.0 feet), more or less, shown as Parts 1 and 2 on Expropriation Plan No. 79837. The total compensation of \$19,500.00, along with all associated costs be charged to Account Number CF 5590 308750001 (Land Acquisition - Enclave Clearance Program).
- b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.


D.W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

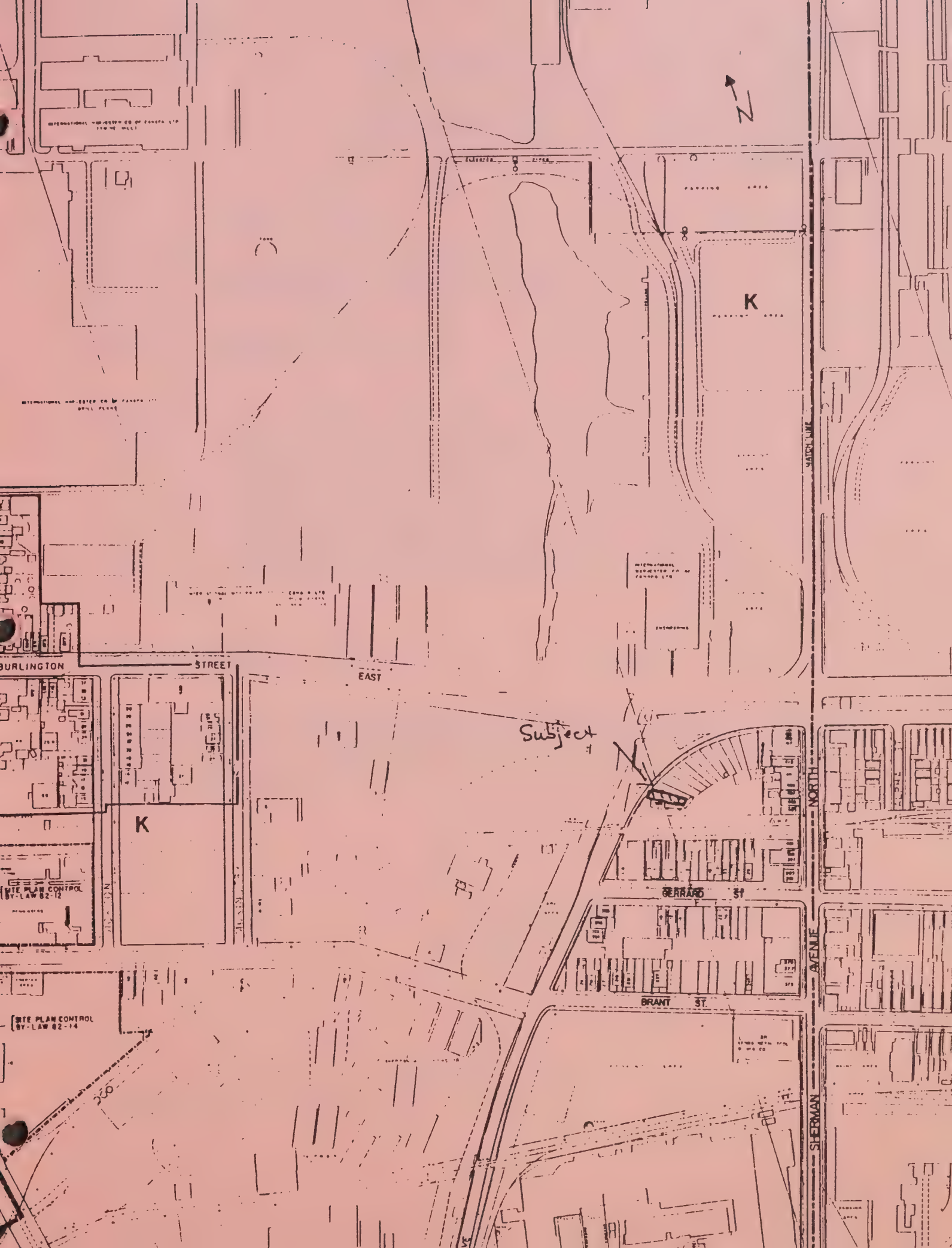
BACKGROUND:

The subject property is located within the Alpha West Residential Enclave. The expropriation and acquisition of this property is in conjunction with the Residential Enclave Clearance Program initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sectors to the north-east part of the City.

On June 27, 1989, City Council authorized the City's application for approval to expropriate the remaining properties in the Alpha West Enclave. Pursuant to this, the expropriation of the property at 388 Birch Avenue was registered on title April 9, 1991 as Instrument No. 79837.

Attach.

c.c. Mrs. P. Noé Johnson, City Solicitor
Mr. E. C. Matthews, Treasurer
Ms. L. MacNeil, Property Clerk, Surveys



CITY OF HAMILTON
- RECOMMENDATION -

I

DATE: 1991 December 2

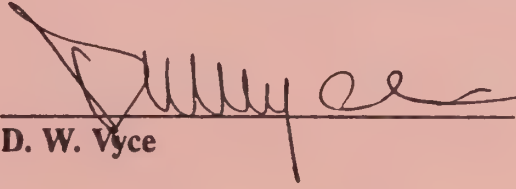
REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Release of Building Covenants
City and Region Sale to Mercanti
Parts 3, 4, 5, 6, 7, 8 - Plan 62R-5200
100 Anchor Road
Stone Church Industrial Park
Construction Covenants as
Contained in City Deed 9495 and 86563

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 100 Anchor Road, Hamilton from the construction covenants to the City as contained in City Deed 9495 registered on September 25, 1989 and City Deed 86563 registered on June 14, 1991.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 12 of the 16th Report of the Planning and Development Committee, City Council on July 26, 1988 approved the sale of Parts 3 and 4 on Plan 62R-5200, Stone Church Industrial Park to Sam Mercanti, Peter Mercanti and Morris Mercanti.

This transaction was completed on September 25, 1989 and registered under City Deed 9495 on September 25, 1989.

In adopting Item 14 of the 4th Report of the Planning and Development Committee, City Council on February 13, 1990 approved the transfer of title in the City's Deed 9495 from Sam, Peter and Morris Mercanti to Samuel, Peter, Morris Mercanti, Arthur Glenn Bryant and Moore & Davis Enterprises Inc. This transfer of title to include additional partners was registered on June 14, 1991 as City Deed 86563 and encompasses Parts 3 and 4 of Plan 62R-5200 purchased from the City and Parts 5, 6, 7 and 8 of Plan 62R-5200 purchased from the Region.

The requirements as noted in the construction covenants under City Deeds 9495 and 86563 have been met with the completion of one 24,000 square foot building.

This department supports the request of the owners that the City of Hamilton release the construction covenants contained in City Deed 86563 and City Deed 9495 in order to clear the title.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. Dave Powers

CITY OF HAMILTON
- RECOMMENDATION -

J

DATE: 1991 December 19
S717-08 P. Strong

REPORT TO: Miss Charlene Coutts, Acting Secretary
Planning and Development Committee

FROM: E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT:

Queenston Heights Subdivision, Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of \$26,800.00 as cash payment in lieu of the 5% land dedication in connection with "Queenston Heights", Hamilton, being the cash payment required under Section 50 of the Planning Act.

The lands of Queenston Heights Subdivision are located east of Donn Avenue and north of Highway No.8 in the Riverdale East neighbourhood.



E. M. Gill, P.Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

The Owner of Queenston Heights Subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

Cont'd

-Page 2-
December 19, 1991

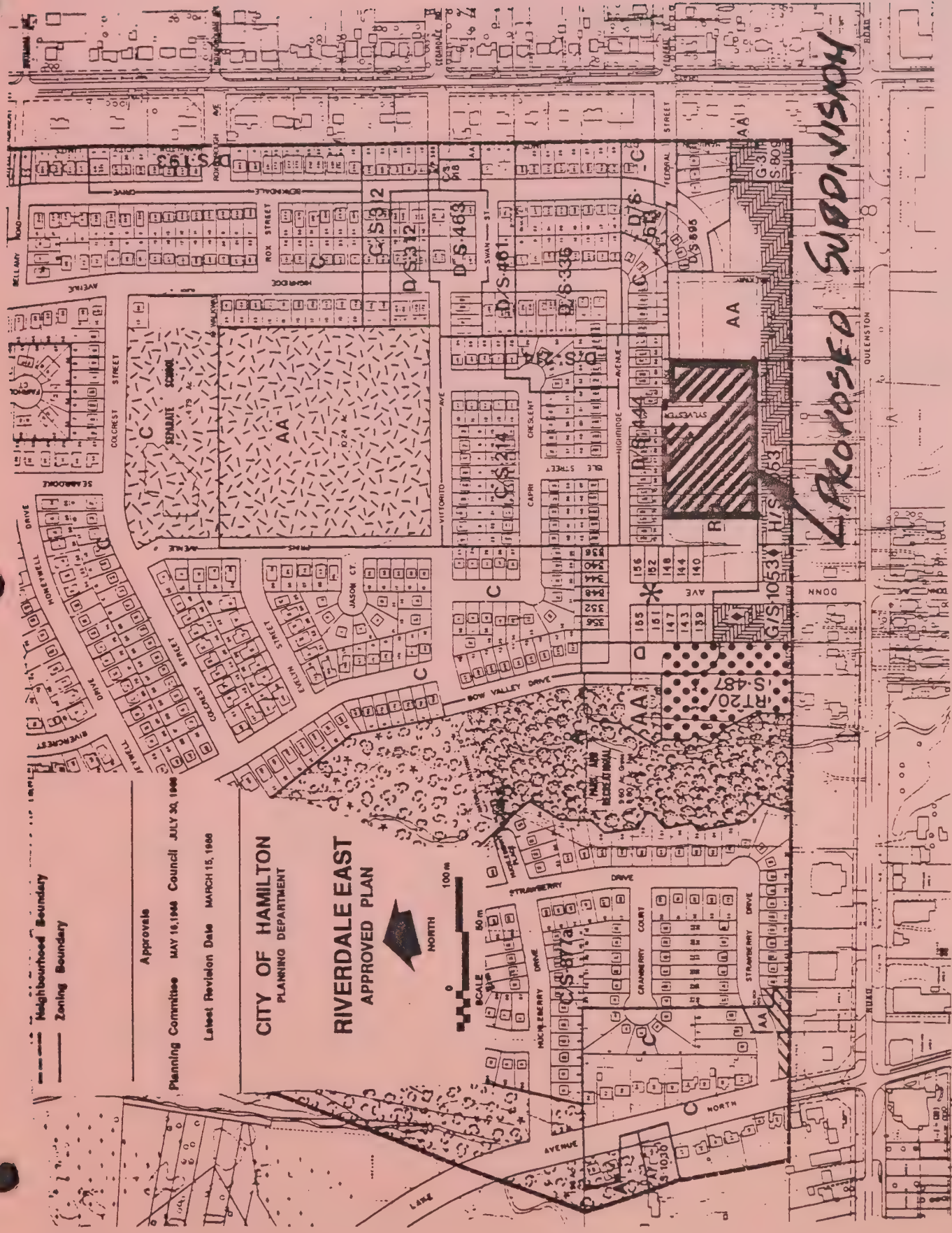
Queenston Heights Subdivision, Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Cont'd

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the subdivision agreement is \$26,800.00.

PS:ja
Attach.

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Real Estate Department



Neighbourhood Boundary
Zoning Boundary

Approval
Planning Committee MAY 15, 1966 Council JULY 30, 1966
Latest Revision Date MARCH 15, 1966

CITY OF HAMILTON
PLANNING DEPARTMENT

RIVERDALE EAST
APPROVED PLAN

PROPOSED SUBDIVISION

"KEY PLAN" - "QUEENSTON HEIGHTS" SUBDIVISION

CITY CLERK'S DEPARTMENT

MEMORANDUM

K

TO: Charlene Coutts
Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. John Thompson
Manager
Legislative Division

OUR FILE:
PHONE: 546-2747

SUBJECT: REQUEST FOR RESOLUTIONS
FOR CONSIDERATION AT THE
FCM ANNUAL CONFERENCE

DATE: 1991 November 26

Would you please arrange to present the attached memorandum from FCM to the Planning and Development Committee at its next regular meeting for consideration and direction.

JT:lm
Attach.

A handwritten signature in dark ink, appearing to read "John Thompson", is written over the bottom right portion of the page. The signature is fluid and cursive, with a large loop at the end.

FCM RECEIVED

NOV 12 1991

CITY CLERKS

November 4, 1991

Memorandum to FCM Municipal, Associate and Affiliate Members

REQUEST FOR RESOLUTIONS FOR CONSIDERATION
AT THE ANNUAL CONFERENCE

The Federation of Canadian Municipalities' Standing Committee on Policies and Resolutions and the National Board of Directors invite the submission of resolutions on subjects of national municipal interest for debate at the FCM's 1992 Annual Conference in Montreal, June 5 to June 8.

Members are urged to observe the enclosed guidelines when preparing their resolutions for submission.

The Standing Committee on Policies and Resolutions and the National Board of Directors appreciates the cooperation of all members in adhering to the procedures.

We look forward to hearing from you.

A. L. Moore

Mayor Audrey Moore
Third Vice President
Chair, Standing Committee
on Policies and Resolutions

Enclosures

VS/vs

Federation of
Canadian
Municipalities
Fédération
canadienne des
municipalités

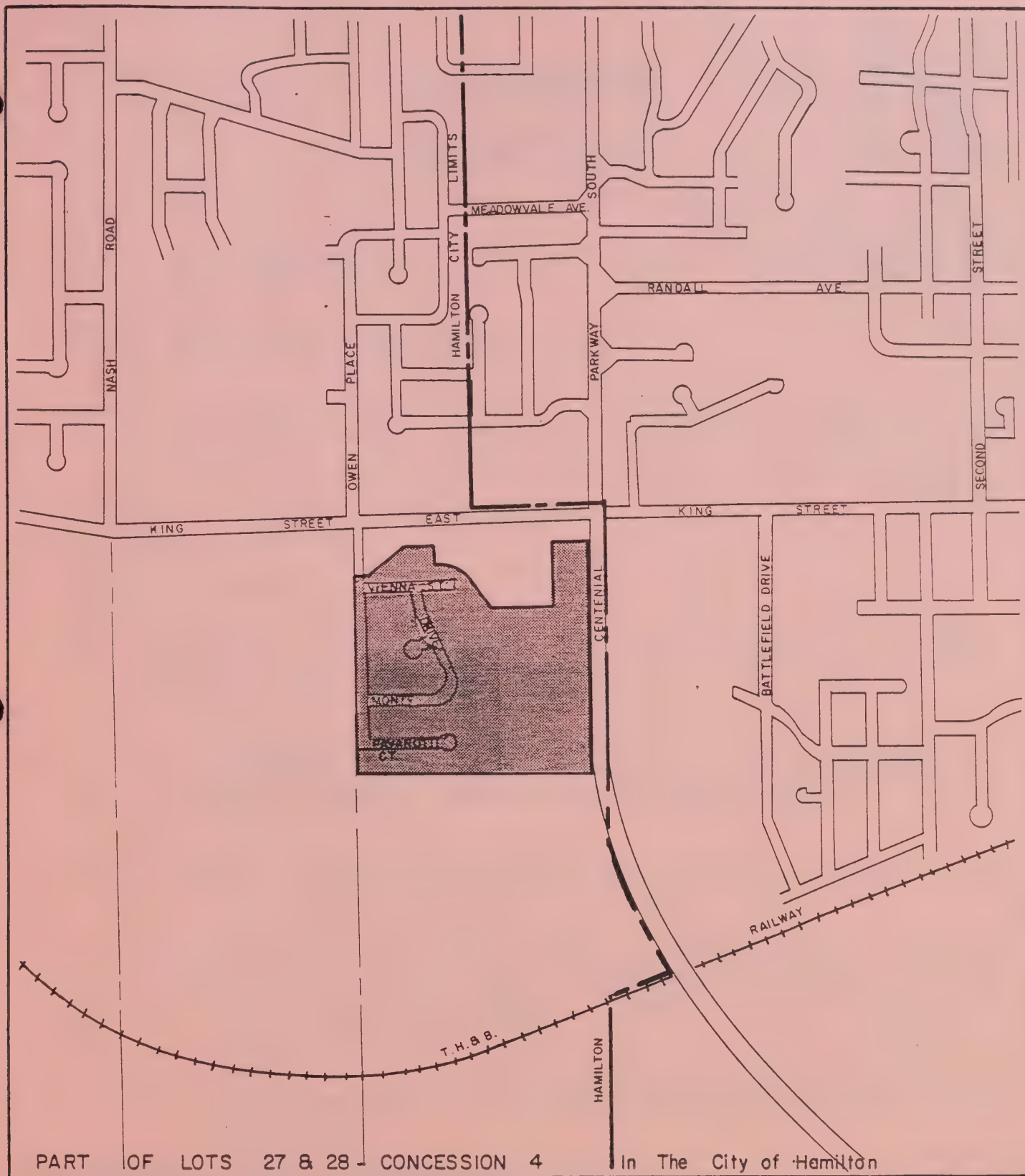
24, rue Clarence Street
Ottawa, Ontario K1N 5P3
(613) 237-5221
Fax: Télécopieur: (613) 237-2965
Telex: 053-4451
International Office
Bureau international (613) 563-3506
Fax: Télécopieur: (613) 563-2051

Councillor Doreen Quirk
Markham, Ontario
President
Président
Le maire Margaret Delisle
Sillery (Québec)
Première vice-présidente
First Vice-President

Alderman Ron Hayter
Edmonton, Alberta
Second Vice-President
Deuxième vice-président
Mayor Audrey Moore
Castlegar, British Columbia
Third Vice-President
Troisième vice-présidente

Councillor Ray O'Neill
St. John's, Newfoundland
Past President
Président sortant
James W. Knight
Executive Director
Directeur général





Location Plan For

BATTLERIDGE SUBDIVISION

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

Nóth



Scale

1" = 800'

Date

Aug. 1985

Reference File No.

25T-76024

Drawing No.

85-H-118

FILE NUMBER 25T-76024

OWNER:

F. Husack
c/o Sunshine Homes
1104 Fennell Avenue East
Hamilton, Ontario
L8T 1R9

AGENT:

Glenn E. Barr Associates Limited
One Church Street
St. Catharines, Ontario
L2R 3B1

CITY OF HAMILTON
- RECOMMENDATION -

N

DATE: 1992 January 2
(25T-88016)

JAN 2 1992

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Draft Plan of Subdivision

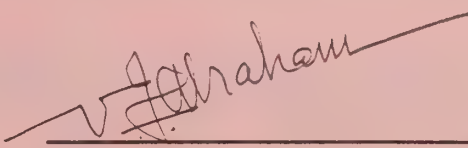
RECOMMENDATION:

- A) That approval be given to Application 25T-88016, Frank Fontana, owner, to establish a draft plan of subdivision on the west side of West Fifth Street South of Limeridge Road West, subject to the following conditions:
1. That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated March 12, 1991, revised to include a 6.1m walkway between Street "A" and West Fifth Street together with resulting lotting changes, and showing 42 lots and 29 blocks.
 2. That the plan or parts of the plan not receive final approval until road access and municipal services are available to the lands.
 3. That the centre line radius of Street "B" through the "S-bend" curves be increased to a minimum of 200.0m with a minimum 30.0m tangent between the two horizontal curves in order to allow sight distance between the two intersecting streets along Street "B".
 4. That the future extension of Annabelle Street between Blocks 57 and 58 align centre line to centre line with the existing portion of Annabelle Street north of Chester Avenue.
 5. That Street "B" align centre line to centre line with the extension of Annabelle Street south of Chester Avenue as it is shown on Plan 62R-11658 and the road allowance be reduced to 20.0m.

6. That Street "C" align centre line to centre line with the existing portion of Chesley Street north of Chester Avenue and be established to its full required width.
7. That the streets and the walkway be dedicated to the City of Hamilton as public highways on the final plan.
8. That the street widening be reduced to 5.18m in width and be dedicated to the Regional Municipality of Hamilton-Wentworth as public highway on the final plan.
9. That a 2.0m x 2.0m daylight triangle be established at the corner of Lot 26.
10. That Blocks 42 and 43 be merged to form a lot.
11. That Blocks 44 to 64 inclusive be developed only in conjunction with abutting lands.
12. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
13. That the final plan conform to the Zoning By-law approved under the Planning Act.
14. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
15. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and total area of development and block in the final plan.
16. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
17. That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
18. That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement, prior to the issuance of a final release by the City of Hamilton.
19. That the owner agree in writing to satisfy all the requirement, financial and otherwise, of the City of Hamilton.

- B) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-88016) Frank Fontana, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



Victor Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Frank Fontana, Hamilton, Ontario

Surveyor/Agent: A.J. Clarke and Associates Ltd., Hamilton, Ontario

Location: The lands, comprising 3.10 ha, are located on the west side of West Fifth Street south of Limeridge Road West in the Gourley Neighbourhood, City of Hamilton.

Proposal: The owner proposes to subdivide the lands into 41 lots for single-family dwellings, 23 blocks for future development with adjoining lands, a block for street widening and 5 blocks for 0.3m reserves together with new streets to service the lots and blocks. Road access and servicing are dependant on extensions from the south with the exception of Lots 1 and 2 which front onto West Fifth Street. The minimum lot size proposed has a width of 12.2m and an area of 366m².

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double", "Utilities" (sewer easement) and 20 ft. walkway and watermain easement. The watermain easement is shown but no reference is made to the walkway which should cover the easement area. Subject to adding the walkway and minor lotting revisions resulting from the walkway becoming a block, the proposal will comply.

Zoning - the lands are zoned "C" (Urban Protected Residential, etc.) District. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

Comments from Circulation

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation
Ministry of Natural Resources
Ministry of Culture and Communications
Hamilton Region Conservation Authority
City of Hamilton Board of Education
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Traffic Department
City of Hamilton Building Department (subject to meeting zoning requirements)
Mountain East-West and North-South Transportation Corridor Project Office

The Regional Department of Engineering has submitted the following comments and recommendations:

"For Information:"

- 1. Municipal services (water, storm and sanitary sewers) and road access are existing on Annabelle Street, but only up to a distance of approximately 120m north of Chester Avenue. Therefore, road access and servicing of this development is dependent on the future extension of Annabelle Street northerly to Streets "A" and "B", of this plan.*
- 2. Watermains are also available on West Fifth Street and it will be necessary to construct a watermain along the existing 6.10m easement through part of Lots 1, 4 and 5 to create a looped system.*



Federation of Canadian Municipalities
Fédération canadienne des municipalités

GUIDELINES FOR PRESENTATION OF RESOLUTIONS TO THE FEDERATION OF CANADIAN MUNICIPALITIES

It is by way of resolutions that Municipal, Affiliate and Associate Members bring their concerns to FCM for consideration at the Annual Conference, held in June of each year, or at meetings of the National Board of Directors, held in September, December and March.

Resolutions may be submitted by any municipality or provincial/territorial municipal association which is a member in good standing of the Federation of Canadian Municipalities.

All resolutions endorsed at the Annual Conference or at the National Board of Directors and which require action from the Government of Canada, shall be submitted to the appropriate minister, department or agency for response.

It is therefore important that resolutions be carefully worded so that FCM is directed to take the appropriate action and that the proper message is conveyed.

CONSTRUCTION OF RESOLUTIONS

All members are urged to observe the following guidelines when preparing resolutions for submission to FCM:

- a) FCM will take a stand only on issues which are clearly of **national municipal interest** and which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level, or FCM itself. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by FCM National Board of Directors.
- b) **The descriptive clauses (WHEREAS...)** should clearly and briefly set out the reasons for the resolution. If the sponsor believes that the rationale cannot be explained in a few preliminary clauses, the problem should be more fully stated in supporting documentation.
- c) **The operative clause (BE IT RESOLVED...)** must clearly set out its intent stating a specific proposal for any action which the sponsor wishes FCM to take. (i.e. **BE IT RESOLVED that FCM urge/endorse/petition...**) The wording should be clear and brief. Generalization should be avoided.
- d) **Background information** such as Council reports should be submitted with the resolution. When a resolution is not self explanatory and when adequate information is not received, FCM staff may return the resolution to the sponsor with a request for additional information or clarification.
- e) **Proof of endorsement** by the sponsoring council must accompany the resolution.

CATEGORIZATION OF RESOLUTIONS

The Standing Committee on Policies and Resolutions will meet in March to review the resolutions received and categorize them as follows:

- . Category A: National municipal issues
- . Category B: Local/regional municipal issues
- . Category C: Issues not within municipal jurisdiction
- . Category D: Matters dealt with in the previous three years or contrary to present FCM policy

SUPPLEMENTARY INFORMATION

The Standing Committee on Policies and Resolutions is responsible for receiving and taking action on all resolutions in accordance with the above stated guidelines.

Resolutions meeting the above criteria submitted from June to November will be forwarded to the Board for its consideration unless the sponsor explicitly directs them to the Conference. Resolutions submitted following the November call for Conference Resolutions will be forwarded to the Conference unless the sponsor explicitly directs them to the Board.

Resolutions which fall within the mandate of an FCM Standing Committee or Task Force will be reviewed by same for the purpose of presenting recommendations to the Conference. Standing Committees and Task Forces are responsible for ensuring that resolutions are compatible with existing policy statements and approved resolutions.

THE DEADLINE FOR SUBMISSION OF RESOLUTIONS TO FCM'S ANNUAL CONFERENCE IS FEBRUARY 14, 1992.

The Standing Committee on Policies and Resolutions stresses that resolutions received after the deadline cannot be processed in time for inclusion in the Policy Development Book and will be held for action by the National Board of Directors following the Conference.

Resolutions of an emergency nature, as determined by the Executive Committee, will be debated only with delegates' approval.

For more information contact either the Resolutions Coordinator or the Director of Policy and Research at the FCM office Tel: (613) 237-5221, Fax: (613) 237-2965.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 2
CI-91-B
Durand Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Amendment to By-law No. 91-176 - MacNab Charles
Heritage District.

RECOMMENDATION:

That the City Solicitor be directed to prepare a By-law to:

- 1) delete Schedule "A" of By-law No. 91-176 and replace it with a revised Schedule "A" to correct a technical error in the dimensions of the lands to be rezoned; and,
- 2) to amend section 5 of By-law 91-176 by deleting the words "section 1" in the second line and substituting "section 2" therefore,

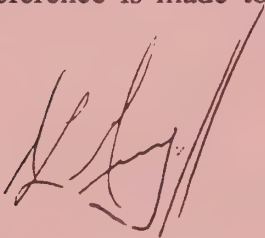
for properties located at Nos. 122-126 MacNab Street South and Nos. 109, 111, and 123 Charles Street, as shown on the attached map marked as APPENDIX "A".

EXPLANATORY NOTE:

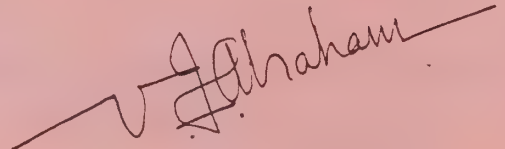
The purpose of the By-law is to delete Schedule "A" of By-law No. 91-176 and replace it with a revised Schedule "A", and to correct a typographical error in section 5 of the By-law, for lands municipally known as Nos. 122-126 MacNab Street South and Nos. 109, 111 and 123 Charles Street, as shown on the attached map.

The effect of the By-law is to correct a technical error in the Schedule wherein the dimensions of the properties being rezoned were shown in feet and the legend of the By-law states that the dimensions are in metres. The corrected schedule will show the property dimensions in metres.

In addition, the By-law corrects a typographical error in section 5 of By-law 91-176, wherein reference is made to "section 1" and it should have stated "section 2".



for **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

By-law No. 91-176 implements modifications in zoning as adopted by City Council for the MacNab Charles Heritage Conservation District. During the By-law's circularization period, it was noted that the dimensions of the properties to be rezoned were shown, on Schedule "A" to the By-law, in imperial measure (feet) yet the legend states "All dimensions are in metres".

To ensure that the dimensions of the properties correspond to the municipal addresses set out in the text of the By-law, it is appropriate to delete the existing Schedule "A" of By-law No. 91-176 and replace it with a revised schedule showing the property dimensions in metres. The new schedule will not result in an extension of the zoning boundaries as approved by the Planning and Development Committee and City Council.

Furthermore, a typographical error was made in section 5 of the By-law, wherein reference is made to "section 1 of the By-law" and it should have stated "section 2 of this By-law".

For the information of the Committee, policy 9.3 of the Official Plan states:

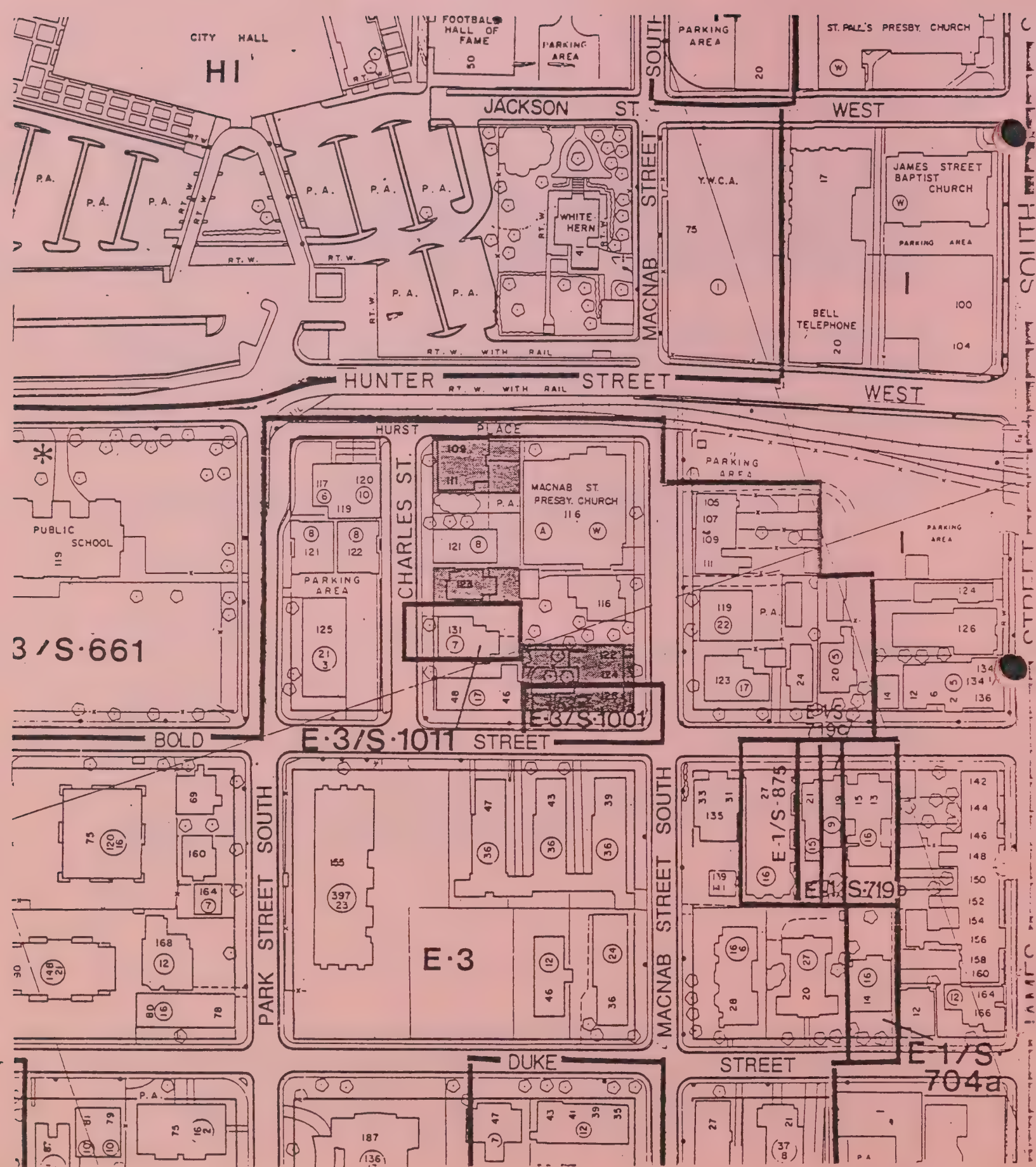
"..., a public meeting will not be held where any amendment is considered minor in nature. Minor amendments will be for format changes, typographical errors, grammatical errors, or where a by-law amends a by-law to express a word, term, or measurement in the by-law in a unit of measurement in accordance with the Weights and Measures Act."

Accordingly, since the amendments are considered minor in nature, a public meeting would not be required.

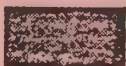
CONCLUSION:

Based on the foregoing, it is appropriate to delete Schedule "A" of By-law No. 91-176 and replace it with a revised Schedule "A", and to correct the typographical error in section 5.

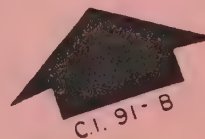
MLT/ma



Legend



Subject Properties



APPENDIX A

CITY OF HAMILTON
- RECOMMENDATION -

M

DATE: 1991 November 18
(25T-76024)

JAN 2 1992

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Extension of Draft Approval for "Battleridge" Subdivision.

RECOMMENDATION:

That the Region be requested to grant a one year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



A.L. Georgieff, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Sunshine Homes and DiCenzo Construction Co. Ltd.

HISTORY

Battleridge Subdivision - Gershome Neighbourhood:

Draft plan was approved August 29, 1980, for 77 lots for single-family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units).

One phase of this plan was registered in 1983 for 51 lots for single-family dwellings.

Phase 2 (under separate file as part of a previous townhouse block) was registered in 1984 for 18 lots for single-family dwellings.

Draft plan approval was extended in 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990 and a 3 month interim extension in 1991.

Present lapsing date is February 29, 1992.

The owner is requesting a further extension for an unspecified period on the basis that the developer is currently negotiating with adjacent owners to assemble lands for roadways and is addressing the concerns of the Ministry of Transportation and the Conservation Authority.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and since no request was made to revise the plan or the conditions the request may be supported for a one year extension.

3. *Lot No. 1 can be serviced for water, storm and sanitary sewers from the existing mains on West Fifth Street.*
4. *Blocks 45, 48 and 52 could be developed as lots within this proposed draft plan of subdivision.*
5. *The owner should submit this proposed draft plan of subdivision to the Engineering Department's Freeway Office (Att: Gary Moore) for their comments as a grading easement may be required over lots 1 and 2 for the construction of a "Flyover" on West Fifth Street at the Freeway.*

Recommendations:

1. *That Lots No. 3 to 41 (inclusive) not be developed until the Final Plan of Subdivision for the lands directly to the south has been registered, or the applicant acquired the necessary lands to extend Annabelle Street and Chesley Street north to Streets "A", "B" and "C" of this development.*
2. *That Blocks 46 and 53 not be developed until the adjacent lands surrounding this plan are developed.*
3. *That Block 70 (0.30m reserve) be deleted from the Final Plan and that Street "C" be established to a full width of 20.00m adjacent to Lots 36 to 41 (inclusive) and Blocks 42 and 45.*
4. *That a 2.0m x 2.0m daylight triangle be established on the corner of Lot No. 26.*
5. *That Block 65 (street widening) be changed from 5.20m to 5.18m and that this widening be dedicated to the Region on the Final Plan.*
6. *That the road allowance for Street "B" be changed from 20.12m to 20.00m.*
7. *That the centre line radius of Street "B" through the "S-bend" curves be increased to a minimum of 200.0m with a minimum 30.0m tangent between the two horizontal curves in order to allow sight distance between the two intersecting streets along Street "B" (see attached sketch).*
8. *That the future extension of Annabelle Street between Blocks 57 and 58 align centre line to centre line with the existing portion of Annabelle Street north of Chester Avenue.*
9. *That Street "B" align centre line to centre line with the extension of Annabelle Street south of Chester Avenue as it is shown on Plan 62R-11658.*
10. *That Street "C" align centreline to centreline with the existing portion of Chesley Street north of Chester Avenue.*

11. *That the Owner enter into subdivision agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.*

The submitted revised plan as prepared by A.J. Clarke, O.L.S. and stamped with the date March 18, 1991 is satisfactory to this department subject to the above noted comments and recommendations."

Comments:

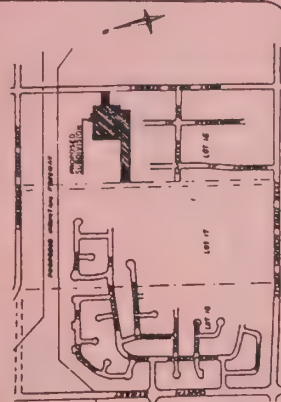
1. The proposal complies with the intent of the Official Plans and the Zoning By-Law.
2. As no part of the subject lands is designated for "Park and recreational" use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. Minor red line revisions to the plan in the area of Lots 1 to 6 are required due to the inclusion of a walkway block, as shown on the neighbourhood plan.
4. While the internal area of the proposed development does not have road access or servicing connections available at the property limits at this time, a short extension of Annabelle Street together with sewer extensions from the south is anticipated in the foreseeable future, either by the adjoining owner(s) or by the owner of the subject lands through acquisition of the required property.
5. The westerly limit of the subject lands abuts the lands of the City of Hamilton Board of Education and which are designated Civic and Institutional in the neighbourhood plan. There is no need to provide for the extension of residential development into this area, therefore, Blocks 42 and 43 should be merged to form a single lot.

LIMERIDGE ROAD WEST

CONVEYANCE OF LANDS TO THE CITY OF HAMILTON

KEY PLAN:

SCALE 1:10,000



DRAFT PLAN OF

Fontana Gardens

PART OF LOT 16 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:750

WALKWAY 1 CLASSE 0.1.5 - 1981

NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: STANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE COMPLETED TO FEET BY DIVIDING BY 3.28

RE SECTION 50(4) THE PLANNING ACT 1983

- A. SHOWN ON THE PLAN
- B. SHOWN ON THE PLAN
- C. SHOWN ON THE PLAN
- D. SHOWN ON THE PLAN
- E. SHOWN ON THE PLAN
- F. SHOWN ON THE PLAN
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- U. SHOWN ON THE PLAN
- V. SHOWN ON THE PLAN
- W. SHOWN ON THE PLAN
- X. SHOWN ON THE PLAN
- Y. SHOWN ON THE PLAN
- Z. SHOWN ON THE PLAN

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LOTS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

DATE: 12.12.1981

NAME: J. J. CLARKE

ONTOARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I, FRANCIS FONTANA, BEING THE REGISTERED OWNER OF THE LANDS SHOWN ON THIS PLAN, DO HEREBY AUTHORIZE THE SURVEYOR TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

DATE: 12.12.1981

NAME: FRANCIS FONTANA

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION - 3.10 HECTARES
TOTAL AREA OF LOTS - 3.10 HECTARES
BLOCKS 12 TO 14 - 10 M DEVELOPED IN CONJUNCTION WITH ADJACENT LOTS

SUBDIVISION DRAFT APPROVAL:

SUBJECT TO THE CONDITIONS OF ANY REGULATION AND APPROVALS TO BE OBTAINED FROM THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

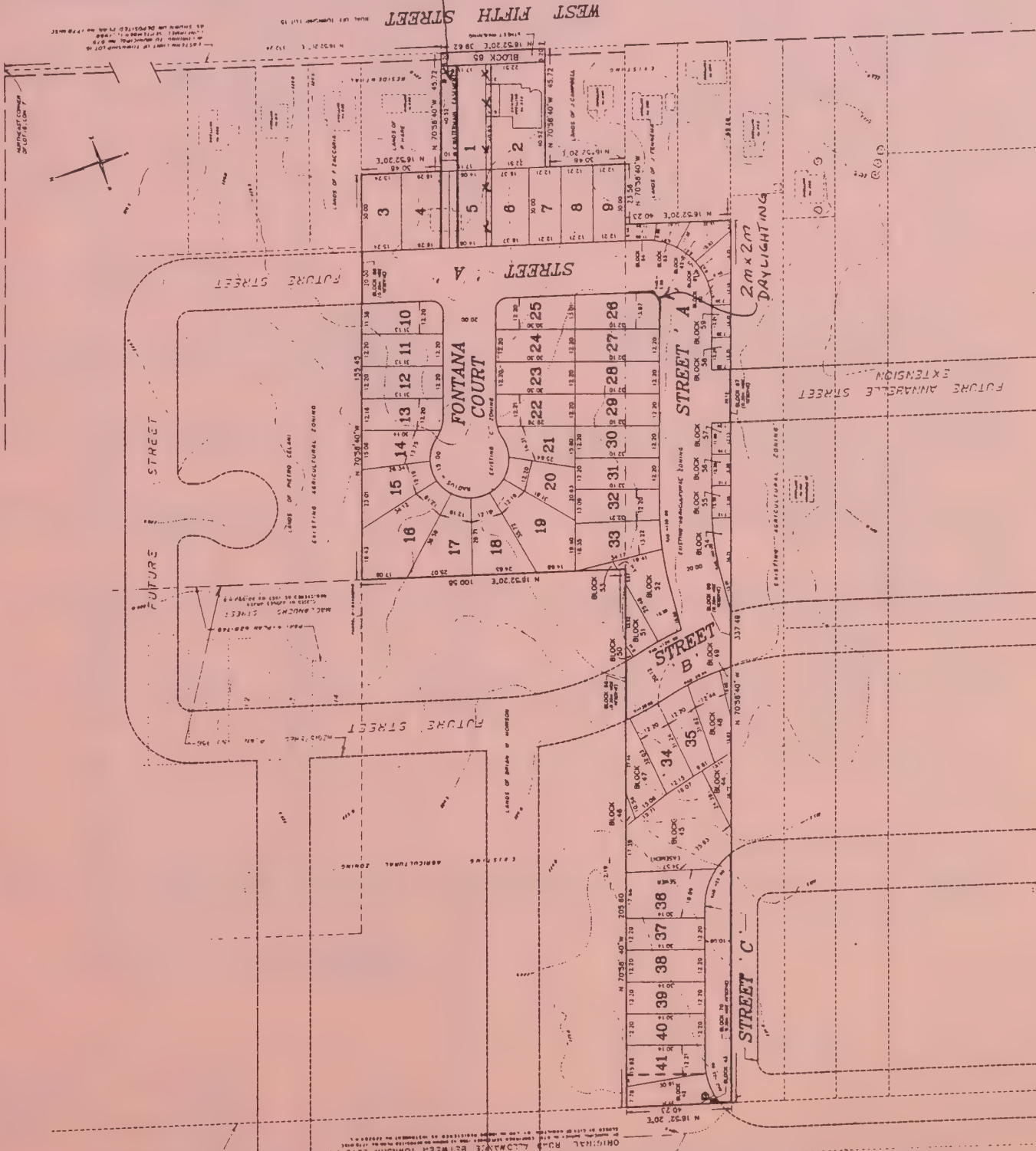
THIS DRAFT PLAN IS APPROVED UNDER SECTION 50(4) OF THE PLANNING ACT 1983

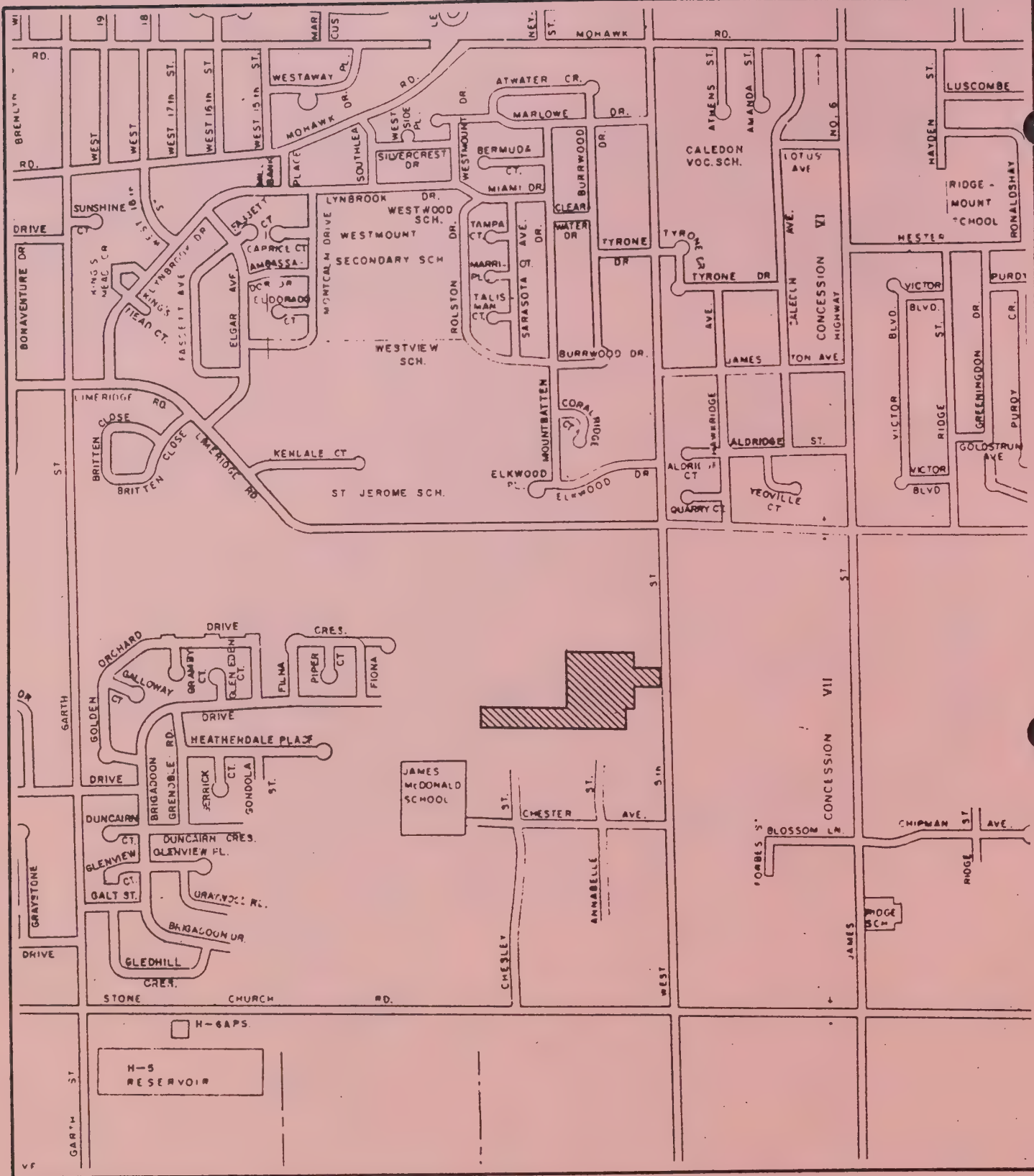
BY: J. J. CLARKE

ONTOARIO LAND SURVEYOR



A. J. Clarke and Associates Ltd.
ONTOARIO LAND SURVEYORS - CONSULTING ENGINEERS





Location Plan For

FONTANA GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

Date

MARCH 26, 1991

Reference File No.
25T-88016
REVISED

Drawing No.

CITY OF HAMILTON
- RECOMMENDATION -



DATE: 1991 December 16
(25T-89038)

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

JAN 2 1992

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development


SUBJECT: Proposed Draft Plan of Subdivision, Crerar Court

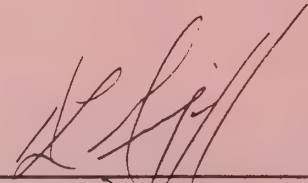
RECOMMENDATION:

That approval be given to application 25T-89038, Westmount Homes, owner, to establish a draft plan of subdivision located to the west of Upper Wentworth Street south of Aquila Place, subject to the following conditions:

1. That approval apply to the plan prepared by A.J. Clarke and Associates Ltd., dated October 23, 1989, showing 2 lots and 5 blocks for development with abutting lands.
2. That the plan not receive final approval until municipal services and road access are available from the lands to the north.
3. That the street align with the street to be established on the lands to the north and be dedicated to the City of Hamilton as a public highway on the final plan.
4. That the abutting portion of Crerar Drive extension is to be established to its full required width, prior to or in conjunction with the approval of the final plan.
5. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
6. That the final plan conform to the zoning by-law approved under The Planning Act.
7. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

8. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
9. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
10. That any dead-ends of the road allowance created by the plan be terminated in 0.3 reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances.
11. That blocks 3 to 7 inclusive be developed only in conjunction with abutting lands.
12. That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
13. That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

A.L. Georgieff, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: Westmount Homes, c/o Robert Shelley, Hamilton, Ontario.

Surveyor: A.J. Clarke and Associates Ltd., Hamilton, Ontario.

Location:

The lands, comprising 0.32 ha, are located to the west of Upper Wentworth Street south of Aquila Place in the Crerar Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to subdivide the lands into 2 lots for single-family dwellings and 5 blocks for development with abutting lands for future single-family dwellings.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Residential and Related Uses". The proposal does not conflict.

City of Hamilton - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double". the proposal complies.

Zoning - the lands are zoned "C" (Urban Protected Residential, etc.) District. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Transportation
Ministry of the Environment
Ministry of Natural Resources
Ministry of Culture and Communications
Hamilton Region Conservation Authority
City of Hamilton Board of Education
Ontario Hydro, Union Gas, Bell Telephone
City Traffic Department
City Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

For Information:

- "1. The proposed installation of municipal services (water, roadways, storm and sanitary sewers) for the proposed development is dependent on the servicing of lands to the north, of this development.

2. *Blocks 3, 4 and 5 should be developed in conjunction with lands to the south and these matters should be resolved prior to this draft plan to ensure these lands develop in an orderly manner.*
3. *We do not expect any Regional share for services associated with this development.*

Recommendations:

1. *The proposed development not be registered until the construction for municipal services (water, roads, storm and sanitary sewers) for the developments to the north (Crerar Drive) have been approved.*
2. *A minimum centerline radius of 110.0 metres must be established along the centerline of Crerar Drive for the horizontal curve.*
3. *The abutting portion of Crerar Drive is to be established to its full width prior to or in conjunction with the registration of the Final Survey Plan.*
4. *The owner must enter into a subdivision agreement with the City and the Region prior to the development of any portion of these lands.*

The submitted plan as prepared by A.J. Clarke O.L.S. and dated October 23, 1989 is satisfactory to this department subject to the above noted comments and recommendations."

COMMENTS

1. The proposal complies with the intent of the Official Plans, the approved Crerar Neighbourhood plan and the Zoning By-law.
2. As no part of the subject lands is designated for park and recreational use on the approved Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as "cash-in-lieu" of land.
3. No objections have been received toward the proposal.

CMD/sk

Subdivision File Number 25T-89038

Surveyor:

A. J. Clarke & Associates Ltd.
125-155 James Street South
Hamilton, Ontario
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Phone Number: 528-8761

CITY OF HAMILTON
- RECOMMENDATION -

P

JAN 2 1992

DATE: 1991 November 21
P5-5-5-4

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Proposed Provincial Policy Statement on Wetlands

RECOMMENDATION:

That Planning and Development Committee recommend to Council that the Clerk be requested:

- 1) to advise the Ministers of Municipal Affairs and Natural Resources that with respect to the Province's proposed Policy Statement on Wetlands:
 - Policies 4 and 5 be modified to state that compatible uses will be permitted which do not threaten the wetland functions of nearby Provincially Significant Wetlands; and,
 - With this modification, the City supports the proposed Policy Statement.
- 2) to forward this report to the Ministers of Municipal Affairs and Natural Resources along with the above-noted resolution.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministries of Municipal Affairs and Natural Resources have requested public comment on a second draft of the Province's Policy Statement on Wetlands (see Appendix 1 attached). The City responded to a previous draft in June, 1989. All comments on the current draft will be considered by the Province prior to the Policy Statement's finalization.

REPORT:

The second draft of the Province's Policy Statement on Wetlands differs from the June, 1989 version in that it is clearer, more concise, and the proposed policies are more strongly worded.

The revised policies reflect an ecosystem approach to land use planning and the Province's commitment to preserve and protect wetlands.

A "wetland" is land that is seasonally or permanently covered by shallow water as well as land where the water table is close to or at the surface. The four main types include: swamps; marshes; fens; and, bogs.

Wetlands are seen as a benefit to the environment, economy and society and contribute to the quality of life. Over 75% of the original wetlands in southern Ontario have been lost due to continuing pressure from competing land uses and other activities such as dredging, filling, drainage and land clearing.

The City has two Provincially Significant Wetlands: Cootes Paradise; and, Van Wagner's Marsh (see Map 1 attached). Both will be subject to the policies of the Province's Policy Statement on Wetlands when it is finally approved.

The 1989 Draft Policy Statement

The City responded to the 1989 draft of the Province's Policy Statement on Wetlands. In the review of this draft, the City's Official Plan and zoning provisions applicable to Cootes Paradise and Van Wagner's Marsh were assessed and it was noted generally that:

- the policies, provisions and requirements of the Official Plan more than adequately meet the intent of the draft policy statement; and,
- the zoning for Cootes Paradise "A" (Conservation, Open Space and Parks and Recreation) District, was consistent with the Policy Statement, however the "F" (Special Waterfront) and "K" (Heavy Industry) zoning of portions of Van Wagner's Marsh was inappropriate.

The 1989 draft recommended rezoning Provincially Significant Wetlands to permit only the wetland and compatible land uses. The rezoning for the Van Wagner's Marsh to "A" or another appropriate zone would be consistent with the Official Plan and could be done at the time the Province approved the Policy Statement.

The City's formal response to the Province in 1989 identified two areas of concern:

- use of vague terminology such as "compatible development", "unreasonable uses", and "adjacent lands"; and,
- the role of conservation authorities in protecting wetlands through flood and fill regulations and land acquisition.

Both of these concerns have been addressed in the current draft (see below).

Highlights of the Revised Draft Policy Statement

Definitions including "adjacent lands", "compatible development", etc. have been revised to satisfy the City's concerns. In addition, new definitions (such as "development", "wetland area", "wetland function", etc.) were added to further clarify and strengthen the Policy Statement.

A major change between the 1989 and current draft is the term "adjacent lands" is defined as those lands within 120 m (400 feet) of a Provincially Significant Wetland. A new policy permits new compatible land uses or development on "adjacent lands" only where it will not result in a loss of area of the wetland.

Policies 4 and 5 of the Policy Statement are unclear. They state that compatible uses are permitted in "wetland complex" areas and areas adjacent to Provincially Significant Wetlands (120 m radius) if no loss of wetland area results. If these areas are by definition outside the designated wetland then development could take place without reducing the area of the wetland. It would be simpler to state that compatible uses will be permitted which do not threaten the wetland functions of nearby Provincially Significant Wetlands.

Other highlights include:

- Provincially Significant Wetlands will now include Class III wetlands as well as Classes I and II (Cootes Paradise and Van Wagner's Marsh are Class I and II respectively);
- there is no policy to specifically rezone Provincially Significant Wetlands to permit only the wetland and compatible uses;
- development will be prohibited on wetlands and new land uses will be permitted only under certain circumstances (i.e. there will be no loss to the wetland area). This will require existing Official Plan policies to be strengthened; and,
- proposals to construct transportation, communication, sanitation and other public utilities/facilities in Provincially Significant Wetlands must have "regard" for the Policy Statement and mitigative measures must be identified to minimize any negative impacts.

The Policy Statement is to be implemented through the various planning instruments such as official plans, plans of subdivision, consents, etc. Existing planning documents may be revised when evaluation information becomes available. In this regard, the "Wetlands Implementation Guidelines" are being prepared by the Ministries of Municipal Affairs and Natural Resources to assist municipalities on various approaches for protecting wetlands.

As a general comment, the revised draft seems to take the onus off municipalities to evaluate the impact of a development proposal on or adjacent to a wetland and determine compatibility thereto, and give that role to the Province. This is appropriate since it is the Province who wants these areas protected.

IMPLICATIONS OF THE PROPOSED PROVINCIAL POLICY STATEMENT

One of the most significant changes, as mentioned previously, is the definition of "adjacent lands" being those within 120 m of the wetland and a new policy permitting only new compatible land uses or development on such lands which do not result in a loss of area of the wetland.

The Ministry of Natural Resources advises that the determination of wetland loss will be made through the planning process. In responding to specific development proposals, the Ministry will identify the impacts of the proposal (if any) on the wetland and recommend the appropriate remedial strategies (vegetative buffers, setbacks, sediment control measure, etc.) necessary to ensure there is no wetland loss.

In this context, the Policy Statement will require, in addition to protecting the Provincially Significant Wetland itself, the local municipality to recognize all lands within a 120 m of the Wetland. Such protection will likely necessitate inclusion of new policies in the Official Plan.

The impact of imposing this 120 m radius with respect to the City's wetlands is:

- **Map 2** shows all the lands within 120 m of Cootes Paradise Provincially Significant Wetland. Much of the area nearest the wetland is used by McMaster University and the Royal Botanical Gardens for active and passive recreation/open space uses. Other affected lands are developed with university buildings and facilities and low density residential and open space uses. These uses are all recognized in the Official Plan. This is a long established, stable residential and institutional environment. No significant change is anticipated in this area in the foreseeable future. In this regard, the Policy Statement will likely have no impact on this area.
- **Map 3** shows all the lands within 120 m of the Van Wagner's Marsh Provincially Significant Wetland. Lands in this area to the south of the Queen Elizabeth Highway are largely vacant, except for Globe Park adjacent to the water purification plant. The lands affected north of the Q.E.W. include a small portion of Langs Foods, a few single family dwellings at the north end of Nash Road and portions of Confederation Park. These lands are designated "Open Space" in the Official Plan. In addition, a portion of the area is within "Hazard Lands". In this regard, the Policy Statement will likely only have a minimal impact on the future development of this area.

It should be noted that the proposed Freeway interchange with the Q.E.W. traverses the eastern side of this area. In approving the Freeway, the Joint Board issued a condition that construction of this interchange must satisfy the concerns of all Ministry's and other affected agencies. Should the funding for the Freeway be re-instated, then construction of the interchange must comply with the policies of this Policy Statement (if approved). The construction of this interchange will be the responsibility of the Ministry of Transportation. In this regard, the Ministry of Transportation must have regard for the Wetlands Policy Statement in the design and location of this interchange.

The previous Wetland Policy Statement required the municipality to incorporate specific Official Plan policies and to establish special Wetland Zoning.

In the revised policy statement, the municipality will be given the flexibility to determine specific wording of Official Plan policies with the help of the Province's Implementation Guidelines.

CONCLUSION:

Based on the foregoing analysis, the revised draft Policy Statement on Wetlands can be supported provided Policies 4 and 5 are clarified as noted previously. The City's Official Plan recognizes and protects the two Provincially Significant Wetlands in a manner consistent with the draft Policy Statement. However, new policies may be incorporated into the Plan to:

- strengthen present policies to prohibit development on wetlands and permit new land uses only under certain conditions; and,
- recognize lands "adjacent" to the two Provincially Significant Wetlands.

On this basis, the Clerk should be requested to forward this report to the Ministers of Municipal Affairs and Natural Resources and advise both Ministers that the City supports the Province's draft Policy Statement on Wetlands subject to the clarification of Policies 4 and 5.

/dkp:ns

A:\WETLANDS



POLICY STATEMENT

Wetlands

A Draft Policy for Consultation
under Section 3 of the Planning Act





PURPOSE:

This document is the Province of Ontario's Policy Statement on planning for the protection of *Wetlands*. It is issued jointly by the Minister of Municipal Affairs and the Minister of Natural Resources under Section 3 of the Planning Act.

INTERPRETATION:

This Provincial Policy Statement:

- * replaces the "Guidelines for Wetland Management in Ontario" issued by the Minister of Natural Resources in the Provincial Legislature in April 1984.
- * does not supersede or take priority over other Policy Statements issued under Section 3 of the Planning Act or any other policy approved by the Lieutenant Governor in Council.

The Policy Statement applies to *Provincially Significant Wetlands* throughout Ontario. In addition, planning jurisdictions, including municipalities and planning boards, may protect other *Wetlands*.

BACKGROUND:

Wetlands are essential ecosystems. The Province is committed to the protection of *Provincially Significant Wetlands* as part of its ecosystem approach to the management of natural resources. All planning jurisdictions, including municipalities and planning boards, share in the responsibility for wetland protection. This Policy Statement is consistent with and an integral part of other efforts of the Province to protect *Wetlands* and to:

- * sustain intrinsic ecological values
- * protect heritage features
- * conserve high quality ground water
- * manage fish and wildlife habitat
- * maintain surface water quality and quantity
- * encourage the maintenance of an adequate supply of both public and private open space.

Wetland Benefits

Wetlands provide environmental, economic and social benefits that contribute to the quality of life in Ontario. *Wetlands* throughout the province can contain ecological, hydrological, recreational, agricultural and wildlife/fisheries habitat values.

Wetland Loss

Over 75% of the original *Wetlands* in southern Ontario have been lost. This loss is continuing as pressure escalates from competing land uses and other activities such as dredging, filling, drainage and land clearing. In northern Ontario, where *Wetlands* are relatively abundant, losses are also becoming significant particularly near urban areas and along the Great Lakes shorelines.

Evaluation System

Evaluation systems are used to rate the values of *Wetlands* and to determine their relative importance by measuring a number of indicative features, such as biological, hydrological, social and special features. In 1984 an evaluation system was developed by the Ministry of Natural Resources and Environment Canada. This system applies generally to the area of Ontario outside the Canadian Shield. This system was used in the 1984 "Wetlands Guidelines" to protect significant *Wetlands* in Ontario.

DEFINITIONS:

For the purposes of this policy statement:

- * **Adjacent Lands** are those lands within 120 metres of the boundary of *Provincially Significant Wetlands*.
- * **Boreal Region** is the area of Ontario north of the line shown on Figure 3 (see Note 1).
- * **Compatible Land Uses or Development** are those which do not:
 - a) result in a loss of *Wetlands Functions*, and
 - b) create a subsequent demand for measures which will negatively impact on existing *Wetlands Functions*, and
 - c) conflict with existing site-specific wetland management practices.

※ **Development** means:

- a) the construction, erection or placing of a building or structure of any kind; or
- b) the making of an addition or alteration to a building or structure that has the effect of changing the size or usability of it; or
- c) such activities as site grading and the placing or removal of fill.

※ **Environmental Impact Study** means a study carried out by a proponent and approved by the Ministry of Natural Resources, to identify and assess the impacts of land uses or *Development* on *Provincially Significant Wetlands*.

※ **Great Lakes-St. Lawrence Region** is that area of Ontario south of the line shown on Figure 3 (see Note 1).

※ **Wetland** is land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants (See Note 2). *Wetland* includes *Wetland Area* and *Wetland Complex*.

There are four main types of *Wetlands*: swamps, marshes, fens and bogs.

For the purposes of this Policy Statement, lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be *Wetland*.

※ **Wetland Area** means a single, contiguous *Wetland* which may be composed of one or more *Wetland* types (see Figure 2).

※ **Wetland Complex** means two or more individual *Wetland Areas* which are related in a functional manner, and are grouped within a *Wetland Complex* (see Figure 2 and Note 3).

※ **Provincially Significant Wetland** means:

- a) Class I, II and III *Wetland* in that part of the *Great Lakes-St. Lawrence Region* below the line approximating the south edge of the Canadian Shield (see Figure 4), identified in "An Evaluation System for Wetlands of Southern Ontario, South of the Precambrian Shield, Second Edition, 1984", as amended from time to time; and
- b) those *Wetlands* identified as *Provincially Significant Wetlands* by the Ministry of Natural Resources through an evaluation system(s) developed specifically for other areas of Ontario.

※ **Wetland Functions** means the biological, hydrological, physical, social/economic interactions that occur in *Wetlands*.



POLICY

It is the policy of the Province of Ontario that:

1. *All planning jurisdictions, including municipalities and planning boards, consider the implications of their actions on the protection of Provincially Significant Wetlands.*
2. *Development is prohibited within Provincially Significant Wetlands in the Great Lakes - St. Lawrence Region. New land uses are prohibited within Provincially Significant Wetlands in the Great Lakes - St. Lawrence Region unless they do not:*
 - a) *result in a loss of Wetland Functions, and*
 - b) *create a subsequent demand for measures which will negatively impact on existing Wetland Functions, and*
 - c) *conflict with existing site specific wetland management practices, and*
 - d) *result in a loss of area of Wetland.*
3. *New land uses and Development are generally prohibited within Provincially Significant Wetlands in the Boreal Region. However, provided that an Environmental Impact Study is carried out by a proponent and approved by the Ministry of Natural Resources, new Compatible Land Uses or Development may be permitted.*
4. *Despite Policy 2, on lands separating Wetland Areas within a Wetland Complex in Provincially Significant Wetlands:*
 - a) *new Compatible Land Uses or Development may be permitted in the Great Lakes-St.Lawrence Region if they do not result in a loss of area of Wetland.*
 - b) *new Compatible Land Uses or Development may be permitted in the Boreal Region.*
5. *On Adjacent Lands:*
 - a) *in the Great Lakes-St.Lawrence Region, new Compatible Land Uses or Development which do not result in a loss of area of Wetland may be permitted.*
 - b) *in the Boreal Region, new Compatible Land Uses or Development may be permitted.*
6. *New public utilities/facilities be located outside Provincially Significant Wetlands, wherever possible.*

When proposals to construct transportation, communication, sanitation and other such public utilities/facilities in Provincially Significant Wetlands are being considered under the provisions of the Environmental Assessment Act, the Ontario Energy Board Act and other applicable legislation, the approval authorities shall have regard to the policies of this Policy Statement and determine what measures are to be taken to minimize negative impacts on Wetland Functions.

IMPLEMENTATION

All planning jurisdictions, including municipalities and planning boards, shall have regard to this Policy Statement in their decisions affecting any planning matter. In this way, the Policy Statement will be implemented through official plans, plans of subdivision, consents, zoning by-laws, minor variances and other planning applications.

Fill, Construction and Alteration of Waterways Regulations issued by Conservation Authorities under the *Conservation Authorities Act* will be used to assist in the implementation of this Policy Statement, where *Provincially Significant Wetlands* are contained in such regulated areas.

Existing planning documents shall be revised to reflect this Policy Statement, as evaluation information becomes available and at the time of scheduled reviews.

The Ministry of Natural Resources (MNR) and the Ministry of Municipal Affairs (MMA) will jointly administer this Policy Statement and explain its content and give advice on its application.

MNR is developing an evaluation system(s) for *Wetlands* for the area of Ontario north of the line approximating the south edge of the Canadian Shield (see Figure 4). Until this has been completed, *Wetlands* will be evaluated by MNR on a case-by-case basis. The determination of which are *Provincially Significant Wetlands* will be based on the critical nature of the *Wetlands'* features.

MNR and MMA will issue "Wetlands Implementation Guidelines" to assist planning jurisdictions, including municipalities and planning boards, in implementing this Policy Statement. The guidelines will contain recommended approaches for protecting *Wetlands* in official plans, zoning by-laws and other planning documents.

NOTES

1. The line between the *Boreal* and the *Great Lakes-St.Lawrence Regions* approximates the established boundaries between:
 - a) Ecodistricts 22 and 23 within the Chapleau Plains Site Ecoregion, described by Wickware, G.M. and Rubec, C.D.A., 1989. *ECOREGIONS OF ONTARIO*, Environment Canada, Ecological Land Classification Series, No.26, 37 pp.
 - b) the *Boreal* and *Great Lakes-St.Lawrence* forest regions, described by Rowe, J.S., 1972. *FOREST REGIONS OF CANADA*, Canadian Forestry Service, Ottawa, Ontario. Publication 1300, 172 pp.

2. "Hydric soils" are characterized by an abundance of moisture, to the extent that the soils are either inundated or dominated by water-tolerant vegetation.

"Hydrophytic plants" (hydrophytes) commonly grow in water or in water-logged soil and are water-tolerant.

3. In *Wetland Complexes*, it is the whole complex that is evaluated and classified, not the individual Wetland Areas.

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For further information contact any of the following offices:

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Plans Administration Branch - Central and Southwest
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Map 1



Provincially Significant Wetlands

JUNE, 1989

Scale 1:50,000

Planning and Development Department
Hamilton - Wentworth Region

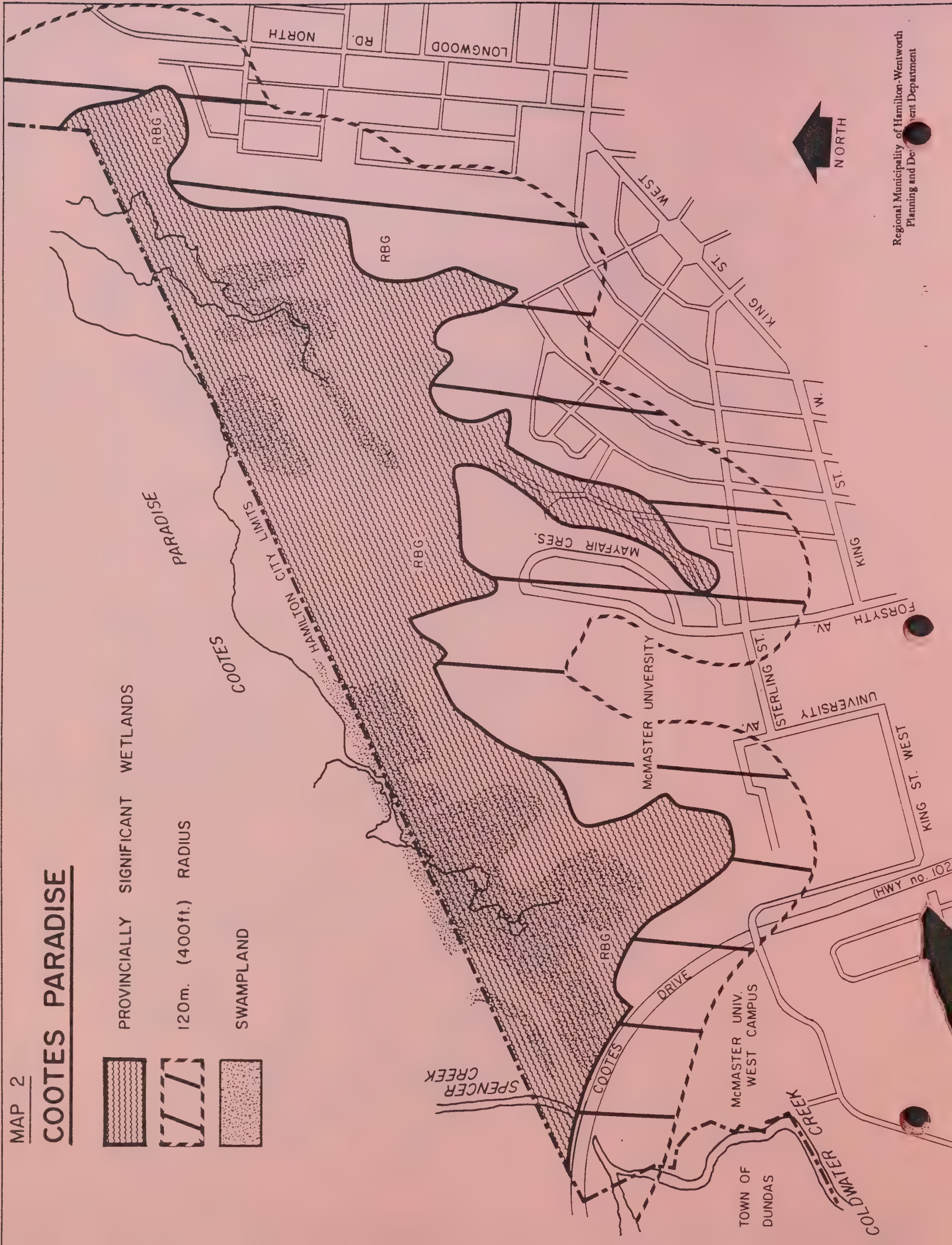
COOTES PARADISE

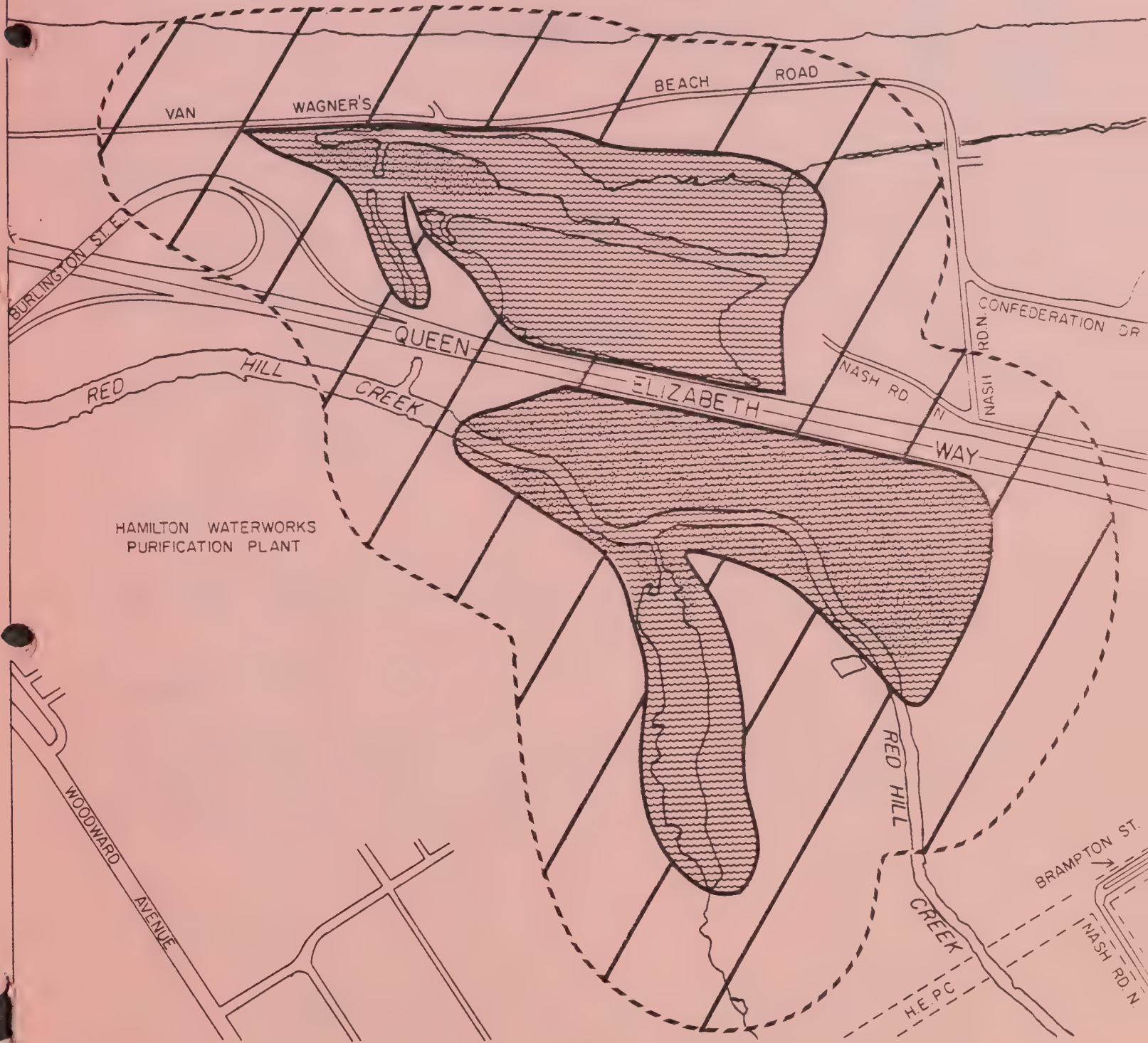


PROVINCIALY SIGNIFICANT WETLANDS

120m. (400ft.) RADIUS

SWAMPLAND





VAN WAGNER'S MARSH



PROVINCIALY SIGNIFICANT WETLANDS



120m. (400ft.) RADIUS



SWAMPLAND



CITY OF HAMILTON

- RECOMMENDATION -

Q

DATE: 1991 December 31
P5-2-10
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

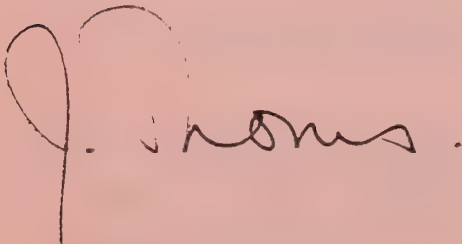
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

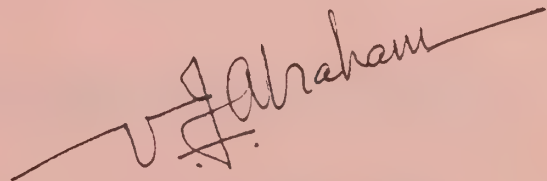
Carter Square Neighbourhood Plan Amendment - Beasley Neighbourhood.

RECOMMENDATION:

That the Planning and Development Committee authorize a public meeting on the amended request for a Neighbourhood Plan Amendment for the lands known as "Carter Square" in the Beasley Neighbourhood, as shown on APPENDIX "A".



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On June 17, 1991, an application for an amendment to the Beasley Neighbourhood Plan was submitted to the Planning and Development Department for lands shown on APPENDIX "A". The proposal is a unique opportunity to enhance the neighbourhood through redevelopment of former industrial lands for uses more compatible with the existing community and pattern of development. In addition, redevelopment of these lands will set the stage for further growth, increased residential opportunities in close proximity to the Central Area and to Barton Street, and community development within the Beasley Neighbourhood.

- Proposal

The application to amend the Beasley Neighbourhood Plan consisted of the following:

COMMERCIAL

- i) recognition of the existing commercial uses fronting on Cannon Street (Carter and the former Nethercott-Lee Automobile Dealerships and Mill Paper Fibres);
- ii) extension of one of the existing automotive dealership (Carter Chev Olds) on the south side of Cannon Street (on lands designated for Beasley Park);

COMMERCIAL AND APARTMENTS

mixed commercial and residential buildings fronting on Barton Street to a height of ten storeys;

HIGH DENSITY APARTMENTS

- i) 2-4 storey stacked townhouses fronting on the east side of Elgin Street;
- ii) apartment development fronting on both sides of Ferguson Avenue.

At the intersection of Robert Street and Ferguson Avenue the buildings would rise to twenty storeys with the adjoining lands (to the north and south) being developed to a maximum height of ten storeys.

The proposal is contained in APPENDICES "B" and "C".

• Public Participation

At its meeting of July 18, 1991, the Planning and Development Committee authorized the formation of an advisory committee to facilitate the review of the requested amendment. At the same time, a public meeting for information and to provide the opportunity for area residents to comment on the proposal was authorized.

i) Public Meeting

The public meeting was held on September 4, 1991 to provide area residents with an opportunity to comment on the proposed amendment to the neighbourhood plan. Submissions from the public were invited of which forty-five were received. In general, several citizens expressed concern over increases in population density, traffic, crime, property taxes, and hazards during development. Other concerns included the need for affordable housing, adequate parking, and the provision of increased housing opportunities in the Central Area. A summary of the submissions is contained in APPENDIX "D".

ii) Advisory Committee

A Joint Carter Square Advisory Committee was formed to facilitate the review of the requested amendment. Members were: two representatives from each of the Ferguson Avenue Committee, the Central Area Plan Implementation Committee (CAPIC), Central/Beasley PRIDE, and the Urban Design Committee. All landowners were invited to participate as members of the Committee.

The Advisory Committee has met approximately six times since July to discuss the proposed amendment. At its most recent meeting, held on December 12, 1991, the Committee generally reached agreement on the issues and is in concurrence with the recommended amendment as outlined

in APPENDIX "A". However, the Joint Advisory Committee will be meeting in January to finalize its report regarding the amendment.

- Zoning Application 91-61

This application for rezoning was submitted to the Planning and Development Department on October 10, 1991 to rezone a portion of the lands within the boundary of the proposed amendment (see APPENDIX "E"). The proposal is a request to rezone a site of approximately two acres to "E-3" (High Density Multiple Dwellings) District modified to develop the lands for: a 4 storey, 60 unit stacked townhouse development fronting on Elgin Street, and two 20 storey apartment buildings (one with 228 senior citizen apartments and one with 190 family apartments) fronting into Ferguson Avenue. Overall, the proposal calls for a floor area ratio of four times coverage. All units would be non-profit housing.

On December 12, 1991, the rezoning application was tabled at the request of the applicant until such time as various issue associated with the neighbourhood plan amendment are finalized. It is expected that changes adopted in the neighbourhood plan will be incorporated into the rezoning application.

CENTRAL AREA PLAN:

The subject lands are designated "NEIGHBOURHOOD RESIDENTIAL" (lands on the west side of Ferguson Avenue) and "MIXED USE" (lands on the east side of Ferguson Avenue) in the Central Area Plan. The proposal would require a redesignation from "NEIGHBOURHOOD RESIDENTIAL" to "MIXED USE" for the lands on the west side of Ferguson Avenue in order to recognize the commercial use. However, the amendment adopting the Central Area Plan is before the Ontario Municipal Board and thus the plan is not finalized and can be modified.

NEIGHBOURHOOD PLAN:

The subject lands are currently designated "COMMERCIAL" (lands on the west side of Ferguson Avenue) and "INDUSTRIAL" (lands on the east side of Ferguson Avenue) on the approved Beasley Neighbourhood Plan. The proposal calls for a number of changes to the existing Plan.

EXISTING LAND USE AND ZONING:

- Subject Lands

The subject lands contain both commercial and industrial uses. The two automobile dealerships (Carter and the former Nethercott-Lee) front onto Cannon Street.

Brewers' Retail has a retail store and warehouse at the southwest corner of Elgin and Barton Streets. Mill Paper Fibres is located at the northwest corner of Cannon Street and Ferguson Avenue and, immediately to the north is Hotz and Sons - an industrial storage and warehousing facility. The balance of the lands are currently vacant.

However, it should be noted that the lands on the east side of Ferguson Avenue are owned by CN Rail. There is an existing set of railroad tracks leading to this site which was formerly used as a roundhouse. The tracks are to be removed.

The zoning on the subject lands is as follows: Brewers' Retail is zoned "H" (Community Shopping and Commercial) District modified; the lands of CN and Hotz and Sons are zoned "JJ" (Limited Heavy Industry) District; and the balance of the lands is zoned "H" (Community Shopping and Commercial) District.

- Surrounding Lands

The lands to the west and east of the subject lands are predominantly 1 to 2 storey single-family homes. These lands are zoned "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.

The lands to the north are the Barton Street Correctional Services Facility which is zoned "K" (Heavy Industry, etc.) District. The lands to the south are currently vacant but are included in the land designated for Beasley Park.

COMMENTS RECEIVED:

- The Traffic Department has advised:

"As we understand the proposal, it currently requests a change in neighbourhood plan designation from residential to commercial along Cannon Street, commercial and apartments along Barton Street and high density residential in the area between Cannon and Barton. Generally, we have no particular concern with this proposal, however, we would like to point out the following impressions.

- The proposal notes that special attention should be focused on the Elgin Street frontage to ensure compatibility with the existing housing along the west side of the project. It has been suggested that townhome style dwellings might be the most appropriate means of accomplishing this. If this is the case, we would suggest that this area be designated for this particular use as opposed to the proposed high density residential designation.
- We understand the ultimate development proposal may consist on between 1600 and 2200 residential units in addition to approximately 250,000 square feet of commercial floor space. This scale of development will obviously generate a considerable traffic demand. While we believe that this demand can be accommodated, we would also expect that traffic usage of Ferguson Avenue, south of the site to King, will increase substantially. This impact should be considered when reviewing proposed land use designations along this corridor.
- As with any large project, the details of its execution determine the magnitude of any resultant impacts. We would therefore suggest that, if approved, the entire site be placed under site plan control. In addition, any specific zoning application needed to implement this project, should be held subject to site plan approval."

- The Hamilton-Wentworth Engineering Department has advised:

"All storm water should be directed into the trunk storm sewer on Robert Street. The sanitary sewage can go into either the sanitary sewers on Barton Street or Cathcart Street.

The major water feeds to the subject area are from the trunk watermains on Barton and Wilson Streets. The proposed development would be serviced primarily from the 150 mm watermains on Ferguson Avenue and Elgin Street. Based on a preliminary examination of the distribution system it appears that in order to support the increased densities associated with the proposed development, the watermains on Elgin and Ferguson would require upgrading, likely involving replacement and upsizing. More detailed examination, including flow tests, would be required to ascertain the exact work required. These facts are for your information and are not meant to hold up the approval of the plan as these would be required for existing zoning.

At present there are no budget provisions for doing this work.

We have reviewed the neighbourhood plan with respect to our road widening requirements and advise that Barton Street and Elgin Street are designated and established at 20.12 m. Therefore, no further road widenings are required on these roads. Ferguson Avenue is presently established at 24.384 m and no further road allowance widenings are required. Cannon Street East is designated at 26.21 m. In accordance with this designation, specific road widening plans were prepared outlining lands required for road widening purposes. This road widening adjacent to lands to be developed is approximately 3.048 m in width.

The Traffic Department is to comment on access details, etc. and these details are to be finalized when the site plans are submitted. The status of Ferguson Avenue must be discussed further as to whether to provide a traffic circle, two cul-de-sacs or maintaining the existing alignment. We understand that these will be developed through site plan control. Ferguson Avenue also is a two-way street and plans submitted by the applicant appear to make it a one-way street."

- The Public Works Department has advised:

"Having reviewed the documentation pertaining to the application for a Neighbourhood Plan Review: Carter Square, and the input received at the Public Meeting on 1991 September 04, the Department of Public Works has the following comments to make with respect to this proposal. These comments are made in concert with both the Parks Division and the Community Renewal Section of Public Works.

The overall scheme to develop Maurice Carter's lands and the CN properties has considerable merit and offers the possibility of an exciting development within a downtown neighbourhood. Affordable residential development with expanded employment opportunities in the Central area of the City makes sound, long-range planning sense for the City of Hamilton.

As you know, the Public Works Department is in the midst of implementing two distinct community improvement projects within the Central and Beasley Neighbourhoods, namely, P.R.I.D.E. and P.R.I.D.E./H.INT. Through the citizen input process of the P.R.I.D.E. Programme, to Beasley and McLaren Parks were identified as top priority for development. Beasley Park is located just to the south of Carter Square. The development of a neighbourhood park of this magnitude can only positively impact on the proposed residential development on Carter lands. Regarding the P.R.I.D.E. Housing Intensification Programme, Ferguson Avenue may be a major element of the action plan that will be implemented within the next three years. Since Ferguson Avenue directly abuts Carter Square on the east, the two development projects must work hand in hand to benefit the entire

neighbourhood. The building form which is finally approved for Carter Square will be the success/failure hinge for the Ferguson Avenue Development. It is therefore extremely important that these new buildings do not overshadow Ferguson Avenue because of their proximity to it. It is one of the objectives of the P.R.I.D.E./H.INT Programme, to reduce the negative impact of intensification on the Central and Beasley Neighbourhoods. In this regard, we would appreciate regular contact from the design professionals involved in the development of these residential buildings in order that we can create a continual flow of information and feedback with regard to both the development of Ferguson Avenue and the Carter Square Developments."

- The Hamilton-Wentworth Roman Catholic School Board has advised:

"The Board has reviewed the above proposed amendment and does not have any objections or modifications to the proposal as presented. The Board would like to be kept informed of the proposal as additional information regarding the number and type of residential units comes available.

The schools servicing the area are as follows:

	<u>Enrolment Sept./90</u>	<u>Operational Capacity</u>
<u>Elementary</u>		
St. Patrick	173	355
St. Mary	328	437
<u>Secondary</u>		
Cathedral Boys'	511	446
Cathedral Girls'	673	642"

- The Board of Education for the City of Hamilton has advised that:

"A development as large as proposed will have major implications for the Hamilton Board of Education. The magnitude of the implications will be better quantified when specific details regarding the numbers of units and the numbers of bedrooms are more precisely known.

At the present time, this area is served by Dr. J. Edgar Davey School for junior kindergarten to Grade 5; Tweedsmuir School for grades 6, 7, and 8; and Sir John A. MacDonald for secondary school. A development of this size will probably require new buildings or changes in existing school boundaries. The Hamilton Board of Education will be better able to inform you of its response regarding this proposal when a more detailed outline is put forward."

PROPOSED LAND USES:

A map depicting the proposed land uses is contained in APPENDIX "A". The following is a description of the land uses, suggested urban design principles, and general policies which could be incorporated into the amendment. These principles were developed through discussion with the applicant and the meetings of the Advisory Committee. Both urban design policies and land use designations are included within the policies as the proposal is a major redevelopment within an existing neighbourhood and it is important that the impact on the existing neighbourhood be minimized. Further, as Ferguson Avenue is to be a major pedestrian and bicycle route in the City, it is important that redevelopment fronting onto Ferguson Avenue contribute to this initiative.

- Cannon Street

Land uses along Cannon Street will recognize the existing commercial uses (the automobile dealerships (Carter and the former Nethercott-Lee and Mill Paper Fibres). Accordingly, these lands will be designated commercial. No extension of the commercial designation will be permitted to the east or west along Cannon Street. As well, no extension of the commercial designation to the south side of Cannon Street will be permitted. Wide sidewalks accommodating pedestrian traffic are encouraged with appropriate street furniture and design elements (lighting and planting).

- Elgin Street

Attached housing is proposed for the lands fronting on Elgin Street specifically located on the east side of Elgin Street. The housing will be stacked townhouses necessitating a designation of "ATTACHED HOUSING". A maximum height of 3½ storeys will be permitted. In order to integrate this development with the existing built form on the west side of Elgin Street, no individual driveways should be permitted. Therefore, parking for these units should be underground.

The planting of trees along both sides of Elgin Street will promote a green linkage to Beasley Park. On-street parking should be restricted to one side of Elgin Street or alternate parking could be permitted.

- Proposed Pedestrian Extension of Robert Street

Robert Street is proposed to be extended westward from Elgin Street to Ferguson Avenue. There is an existing sewer easement located along the proposed extension

of Robert Street. This portion of Robert Street is to be a pedestrian link primarily with vehicular access restricted to service and emergency vehicles. Townhouses are to face Robert Street within that portion designated for "ATTACHED HOUSING" (approximately the western half of the street). The townhouses facing the pedestrian walkway should be separated by an adequate distance to create a quality green space area.

The eastern portion of this street, to the connection with Ferguson Avenue, will be developed with adjoining lands to the north for "LOW DENSITY APARTMENTS". These lands will front onto Ferguson Avenue.

- Barton Street

The lands fronting onto Barton Street are to be designated "COMMERCIAL AND APARTMENTS". Design elements include low-rise development at the street level of a maximum of 2-3 storeys with a terracing of the building to rise to a maximum of eight storeys at the rear. Uses will include retail and offices on the lower floors and apartments on the upper floors. Parking will be located both at the rear of the properties and underground.

- Cathcart Street - West Side

The lands fronting onto Cathcart Street will be designated for "ATTACHED HOUSING". A similar form of development as on Elgin Street will be encouraged (i.e. 3½ storey stacked townhouses). Parking will be at the rear of the property or underground with no individual driveway access to Cathcart Street. Where necessary, Cathcart Street will be extended to the north to provide access to the common parking areas as well as pedestrian access to the individual homes.

- Cathcart Street - East Side

The lands located on the east side of Cathcart Street are currently outside the boundaries of the amendment's area. However, these lands are currently designated "INDUSTRIAL" on the Beasley Neighbourhood Plan and, given the ongoing initiative on the lands to the west, it may be appropriate to include these lands within the amendment.

Should the lands be included, it would be appropriate to designate the land fronting onto Barton Street as "COMMERCIAL AND APARTMENTS" to a depth similar to the designation of the lands to the west. The remainder of the lands, fronting onto Cathcart Street should be designated for "ATTACHED HOUSING" with similar

policies as set out for the west side of Cathcart Street (i.e. 3½ storey height, no individual driveway access).

- Ferguson Avenue

The lands fronting onto Ferguson Avenue are proposed to be developed for multiple dwellings. The maximum height of ten storeys will be at the intersection of Ferguson Avenue and the proposed pedestrian walkway. These lands will be designated "MEDIUM DENSITY APARTMENTS" and will create a focal point. The walkway developed on the west side of Ferguson Avenue should be continued on the east side of Ferguson Avenue (see APPENDIX "A"). Buildings to the north of this intersection, on the east and west sides of Ferguson Avenue will rise to a maximum height of six storeys. On the east side of Ferguson Avenue, south of the "MEDIUM DENSITY APARTMENT" designation, a maximum height of six storeys will be permitted. These lands will all be designated "LOW DENSITY APARTMENTS".

In order to integrate the apartment buildings into the existing neighbourhood, special building treatment is warranted. Accordingly, it is recommended that the buildings at the intersection of the proposed extension of Robert Street and Ferguson Avenue be designed to provide a break at the two storey level and again at the six storey level. Cornice and roof treatment should be incorporated into the building design.

Ferguson Avenue is proposed to be pedestrian and bicycle oriented. A landscaped centre boulevard is proposed with additional tree planting along the west and east sides of the street. Two lanes of traffic in each direction are proposed with metred parking on both sides of the street.

A central focus should be created at the intersection of the pedestrian walkway and Ferguson Avenue. Other initiatives (such as the boulevard and planting on the east and west side of the street) along this section of Ferguson Avenue will enhance the quality of the pedestrian and bicycle route proposed for the entire length of Ferguson Avenue. Carrying these initiatives to those portions of Ferguson Avenue to the north and south of the subject lands will capitalize on a unique opportunity being presented to the City. The appropriate means to accomplish this would be through the re-establishment of the Ferguson Avenue Committee to review Ferguson Avenue and make recommendations for its enhancement.

- Environmental Concerns

Much of the land within the amendment's boundaries was formerly used for industrial purposes. In addition, there are existing industries within the area (outside

the amendment's boundaries) which may impact on the proposed development. It would be appropriate, therefore, that all development proposals be subject to review and authorization of the Ministry of Environment, specifically relating to soil contamination, air pollution, and noise.

- Implementation

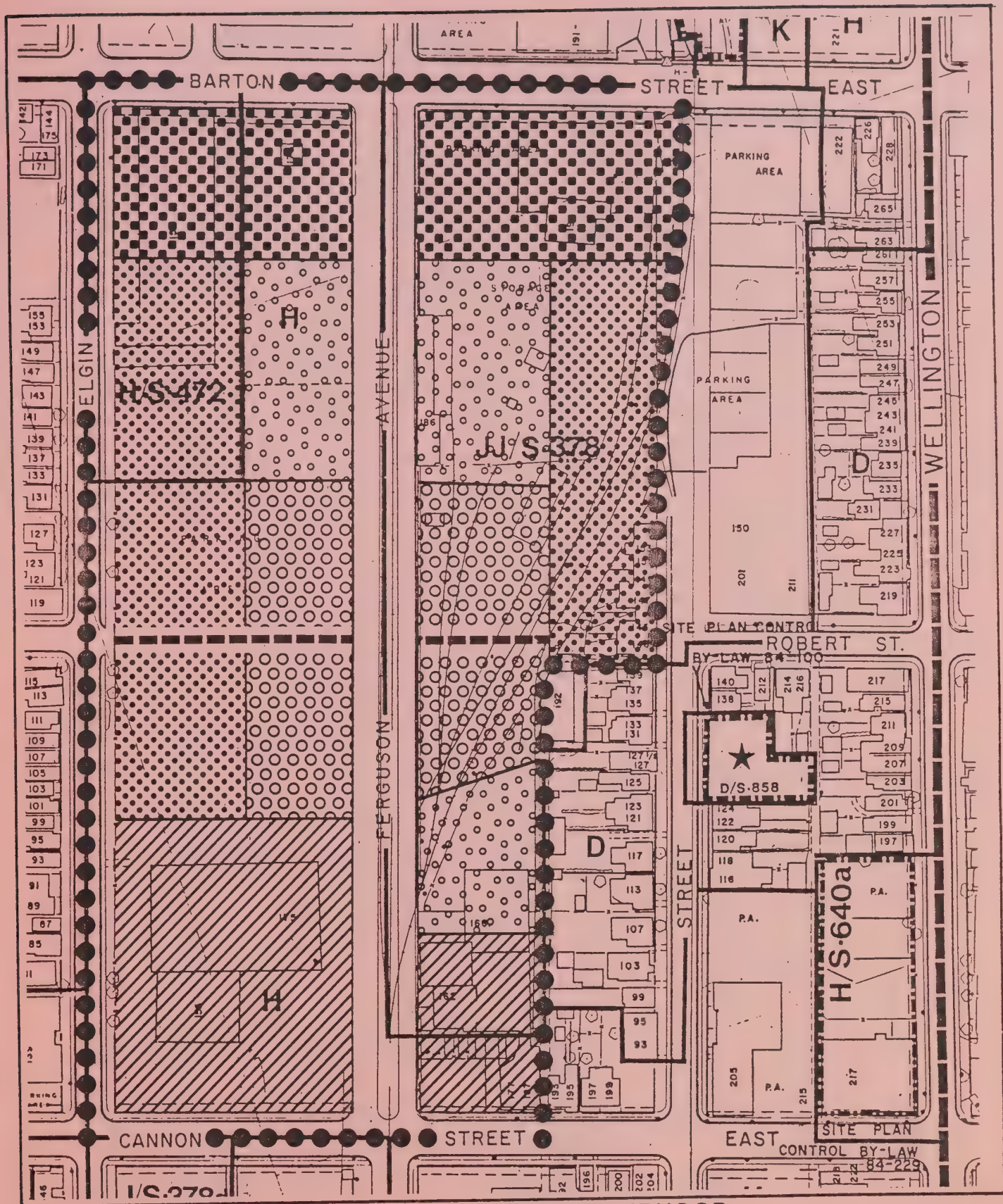
The amended Neighbourhood Plan will establish the framework for redevelopment of these lands. Implementation of the amended Neighbourhood Plan will be through amendments to the City's Zoning By-law and Site Plan Control which applies to development on the entire site. Ongoing related work, such as the P.R.I.D.E. AND P.R.I.D.E./H.INT. work in both Central and Beasley Neighbourhoods will complement the redevelopment of this portion of Beasley Neighbourhood.

CONCLUSION:

The work of the applicant, the Advisory Committee, and the Planning and Development Department has resulted in substantial positive changes to the original proposal to amend the Beasley Neighbourhood Plan. Accordingly, it would be appropriate that an additional public meeting be held to give the area residents an opportunity to comment on the amended proposal.

MLT:dkp

WPJAN8.RPT



Legend



COMMERCIAL



COMMERCIAL & APARTMENTS



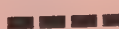
ATTACHED HOUSING



LOW DENSITY APARTMENTS



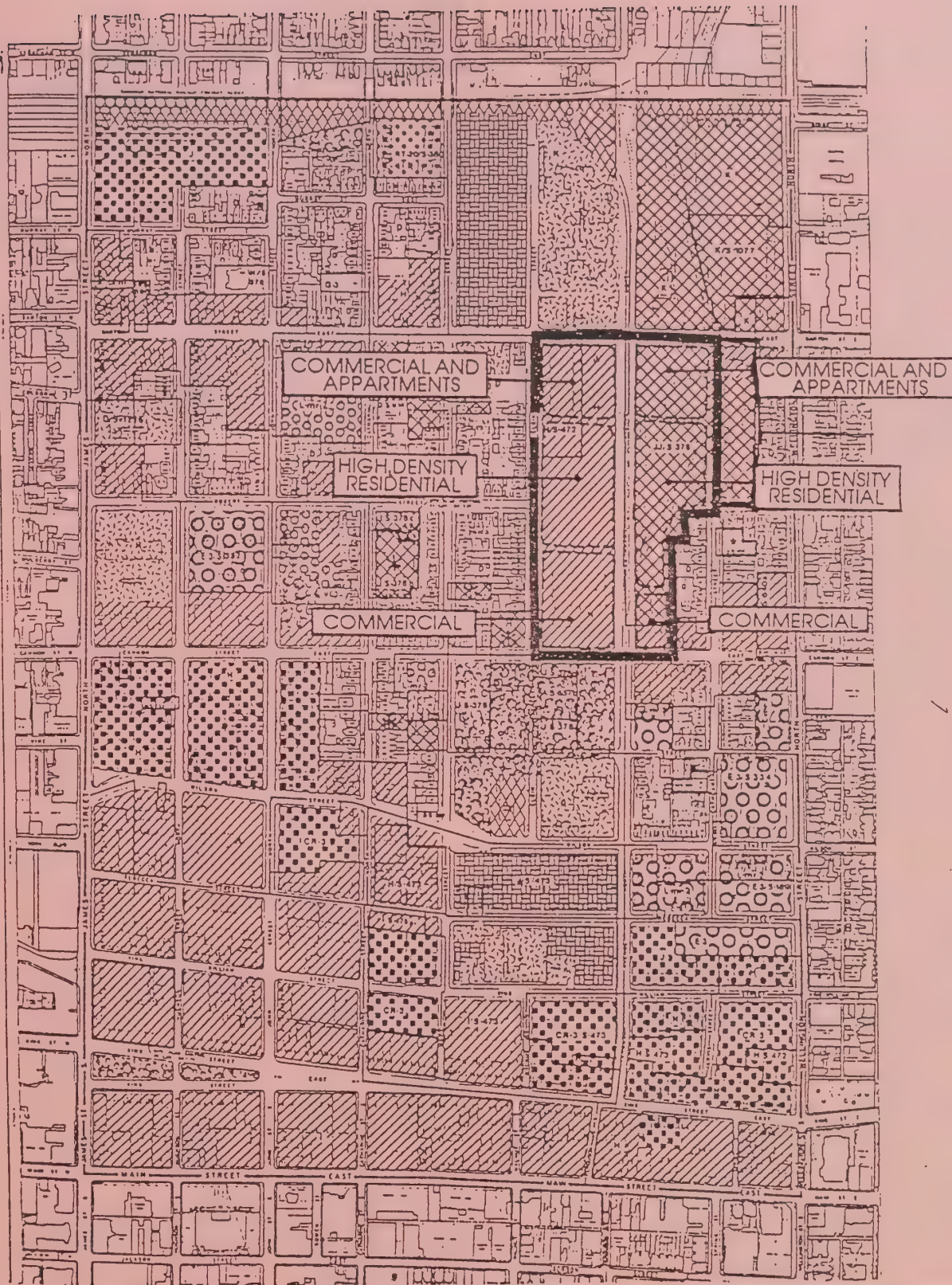
MEDIUM DENSITY APARTMENTS



WALKWAY

BOUNDARY OF SPECIAL POLICY AREA

POSSIBLE BUILDING LAYOUT



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

Proposed Neighbourhood Plan Amendment "Carter Square"

LAND USE RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL

--- Neighbourhood Boundary
— Zoning Boundary

Approved
Planning Committee June 21, 1973 Council Dec. 27, 1973
Latest Revision Date JAN. 1980

CITY OF HAMILTON
PLANNING DEPARTMENT

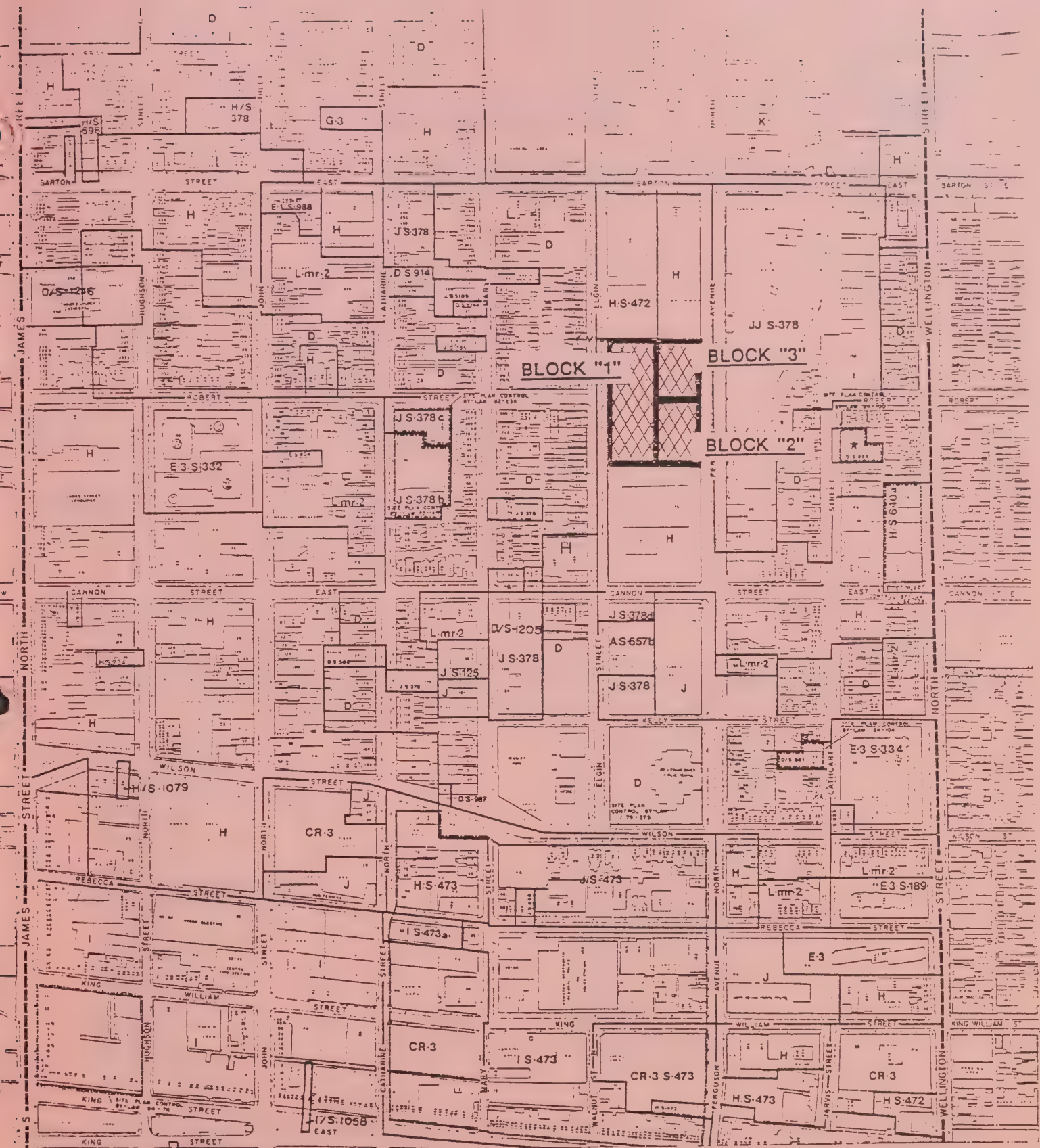
BEASLEY
APPROVED PLAN

APPENDIX C

CARTER SQUARE PROPOSAL

Summary of Submissions

CONCERNS	SUBMISSIONS		COMMENTS FROM ORGANIZATIONS		
	# of comments (total 45)	% of total	C.N. Rail	Sep. School Board	Can./Beas. C.A.C.
Generally Opposed To					
<i>increase in:</i>					
a) population density	32	71			X
b) traffic	30	67			
c) crime rate (already a concern)	29	64			
d) property taxes	29	64			
e) hazard during development	29	64			
<i>decrease in:</i>					
a) parking spots	30	67			
b) area beauty (landscape)	29	64			
c) sunlight due to tall buildings	30	67			
Downtown Area Residents Needed	2	4			
Need for Affordable Housing	1	2			
Strict Guidelines for:					
a) building height	2	4			
b) types of permitted residential use	1	2			
Does not conform to Central Area Plan	1	2			
Increase in Absentee Landlords	2	4			
Fewer Owner Occupied Dwellings	2	4			
Adverse Affects on Adjacent Land Uses	2	4			
More Ind. Land Should be Rezoned to Res. or Res./Comm. Mix	1	2			
Increase in Drug Related Crimes	1	2			
Increased Number Welfare Recipients	1	2			
Little Benefit to Business Community	1	2			
Development Details Should be Known	2	4			
Affected Land Owners Kept Informed	3	7	X	X	
Maintain Beasley Park Frontage	1	2			X
Compatability With Existing Housing	1	2			
Impact of Increased Traffic on Ferguson Avenue, South of King Street	1	2			
Proposal Subject to Site Plan Control	1	2			
Increased Employment Opportunities	1	2			
OPA 66 Not Yet Approved	1	2			
Extend Review Area Boundary	1	2			
Industrial Site Decommissioning	1	2			
Impacts on Soft Services such as: Schools, Parks , Police	1	2			



LEGEND



Change In zoning from:

"H" (Community Shopping and Commercial, etc.) District to
 "E-3" (High Density Multiple Dwellings) District modified.

Proposed uses:

Block "1": A 4-storey, 60 unit stacked townhouse development.

Block "2": A 20-storey, 228 unit senior citizens apartment building.

Block "3": A 20-storey, 190 unit apartment building.

APPENDIX

ZA-91-61

CITY OF HAMILTON
- RECOMMENDATION -

R

DATE: 1991 December 23

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

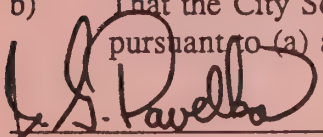
SUBJECT: Revised Board of Management;
Downtown Promenade B.I.A. 1992-1994

RECOMMENDATION:

- a) That Schedule 'B' of By-law No. 86-73, as amended, appointing the Downtown Promenade B.I.A. Board of Management, be repealed and the following names substituted:

Marcel Mongeon	Royal Connaught Hotel
Ray Harris	Harris & Henderson
Daniel Marissen	Durward Jones Barkwell & Co.
Paul Pappas	Grapes & Things
Jordan Livingston	Jordan Livingston Furs
Reggie Titian	Reggie's Music & Sound
Gary Evans/G. Bullock	The Spectator
Wilf Gerofsky	Leeds of Hamilton
Greg Gouthreau	Hamilton Holiday Inn
Al Spadero	Central Guaranty Trust
David Lee	South Side
Sam Scime	C.I.B.C.
Tom Tarpos	Uncle Tommy's
Marvin Caplan	Marvin Caplan Gentlemen's Apparel

- b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-73 pursuant to (a) above.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management ... is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

Downtown Promenade B.I.A. held a general Meeting on 1991 December 18 to appoint the Board of Management.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department
ATTN: Mr. A. Zuidema, Solicitor



S

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 23

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Revised Board of Management;
International Village B.I.A. 1992-1994

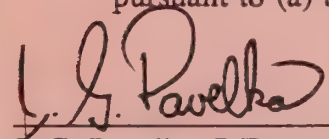
RECOMMENDATION:

- a) That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

Agostino Ammendolia
Bernie Martin
Chris Merritt
Dagmar Rudzewitsch
Wolfgang Schoen
Margaret Tsangarakis
Jim Lyons
Shakiel Baig
Bob Siromsky

Ammendolia Real Estate
Rehak's Pastry Shop
Manager, C.I.B.C.
Seaway Travel
Black Forest End
It's All Greek To Me
The Card Shark
Rock 'N Tees
Bad Bob's

- b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-212 pursuant to (a) above.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As stated in Section 217, Sub-Section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management ... is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

International Village B.I.A. held a general Meeting on 1991 November 20 to appoint the Board of Management.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department
ATTN: Mr. A. Zuidema, Solicitor

per.

T

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 19

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

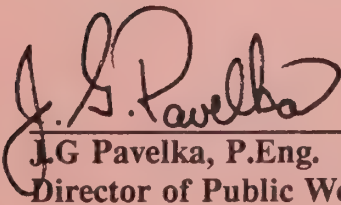
SUBJECT: Revised Board of Management; Ottawa Street B.I.A. 1992-1994

RECOMMENDATION:

- a) That, Schedule 'B' of By-law 88-89, as amended, appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

John Gut	Textile Centre
Gord Culshaw	Culshaw's Cakes/A&B Catering
Lynne Zarubiak	Deblynn's Hair Salon
Joan Stafford	Joan's Trims & Laces
John Driscoll	Price Busters Discount
Manny Freitas	Wood's Redi-to-Finish Furniture
Clive Eynon	D & E Good Home Bakery
Greta Munt	Greta's Flair

- b) That, the City Solicitor be authorized and directed to amend Schedule 'B' of By-law #88-89 pursuant to a) above.


J.G. Pavelka, P.Eng.
Director of Public Works Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

As stated in Section 217, sub-section 6, 7 and 8 of the Municipal Act:

- (6) "A Board of Management....is a body corporate and shall consist of such a number of members appointed by Council."
- (7) "Each member shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

Ottawa Street B.I.A. held a General Meeting on 1991 November 21 to appoint the Board of Management.

c.c. Ms. P. Noe Johnson, City Solicitor
Law Department
Att: Art Zuidema, Solicitor

115

3

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 2

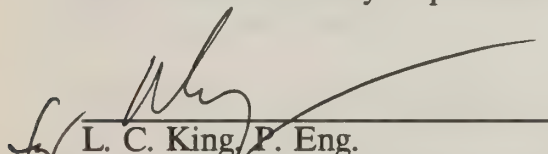
REPORT TO: Charlene Coutts, Acting Secretary
Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

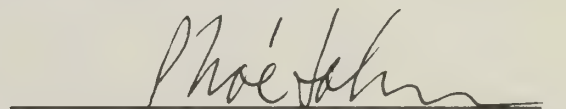
P. Noé Johnson
City Solicitor

SUBJECT: 848 FENNELL AVENUE - Illegal addition constructed
contrary to ZONING BY-LAW 6593.

RECOMMENDATION: That the City appear before the Ontario Municipal Board in support of the decision by the Committee of Adjustment July 31st, 1991, which denied an application for a variance to allow an addition to the building at 848 Fennell Avenue East, constructed contrary to provisions of Zoning By-law 6593 as amended.



L. C. King, P. Eng.
Building Commissioner



P. Noé Johnson
City Solicitor

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: The OMB has recently been critical of the City in failing to take a position and appear on appeals from the Committee of Adjustment to vary the City's Zoning By-law.

HISTORY: The Building Department, upon complaints of encroachment, investigated and commenced proceedings to bring the property into compliance with the provisions of the Zoning By-law. Upon inspection, the construction of an addition to the east side of the building located at 848 Fennell Ave East was identified. An Order to Comply was issued. Enforcement proceedings continued and on March 18th, 1991 the City obtained a conviction and fine in the amount of \$1,000.00.

The owner subsequently made an application to the Committee of Adjustment for a variance to the Zoning By-Law. The Committee denied the request July 31st, 1991. This The Owner has appealed the decision to the OMB.

4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 2

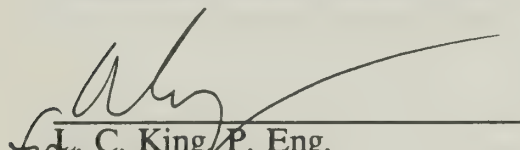
REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

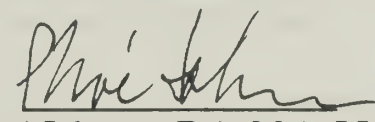
FROM: Mr. L. C. King, P. Eng.
Building Commissioner

P. Noé Johnson, M.A.
City Solicitor

SUBJECT: 166 Wentworth Street - Request to rehear

RECOMMENDATION: That the City apply to the Ontario Municipal Board to rehear its decision on a variance request to the Zoning By-Law by the owner of property at 166 Wentworth Street South.


L. C. King, P. Eng.
Building Commissioner


P. Noé Johnson, B.A, M.A, LL.B
City Solicitor

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: See below

BACKGROUND: The property at 166 Wentworth Street South was originally a single family dwelling. It is currently being used as a two family dwelling contrary to the Zoning By-law. The remaining properties on the block are a mix of duplexes or more.

DISCUSSION: The property has been the source of numerous complaints regarding the illegal use of the building as a two family dwelling. Alterations took place to the building without the benefit of a building permit and enforcement procedures were commenced by the City. Permits were eventually obtained for the construction; however, the use of the property continued in contravention of the Zoning By-law. The City obtained a conviction and fine in the amount of \$900. The owner made application to the Committee of Adjustment, which was denied. The owner subsequently appealed to the Ontario Municipal Board.

cont'd...

The Law department has reviewed the decision and advises that it would be appropriate to request the rehearing on the basis that the OMB exceeded its jurisdiction in granting the appeal. The decision was based on personal characteristics of the tenants; it appears to regulate the user.

The decision permits the use of the building as a two family dwelling with the following conditions:

"Permission was granted to use the property for two Class A dwelling units, providing that one of the units is not rented to persons who have a car or truck. Further, that the front yard is sodded or landscaped; the third kitchen is removed, and the building is in compliance with the Building, Health and Fire legislation."

The decision as stated with conditions is considered unenforceable.

CITY OF HAMILTON

5

- RECOMMENDATION -

DATE: 1991 December 16

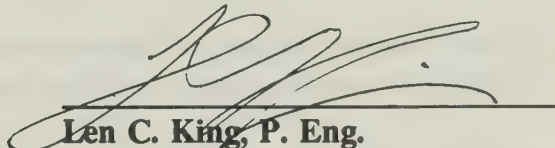
REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: 65 Markland Street

RECOMMENDATION:

That the condition imposed by City Council on 1989 December 12 for the issuance of a demolition permit for 65 Markland Street which applied Section 33(6) of the Planning Act to Lots 5 and 6 Registered Plan 40 formerly known as 65 Markland Street be removed.



Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The recommendation that was imposed by City Council stated "that no demolition permit be issued for 65 Markland Street until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with Section 33(6) of the Planning Act".

The dwelling located at 65 Markland Street was situated on four Lots of Record, Lots #4, 5, 6, 7 Registered Plan 40. On March of 1989 the existing porch of 65 Markland Street was cutback. This was required as the existing porch extended on Lot #4 (2 Chilton Place). This allowed the erection of one single family dwelling on Lot #4 (2 Chilton Place) in May of 1989.

Continued on Page Two

A permit was issued in June of 1989 to demolish the rear addition at 65 Markland Street. This was necessary because it extended on Lot #7 (14 Chilton Place). Because the demolition of the addition was to create Lot #7 (14 Chilton Place) it produced an insufficient rear yard which required a variance from the Committee of Adjustment. The Committee denied the variance.

The original house at 65 Markland Street was demolished in August of 1990 with the benefit of a permit issued in June of 1990, on the condition that single family dwellings be erected on Lots #5 and #6 (65 and 69 Markland Street) as per City Council's recommendation and building permits issued in June of 1990.

At the present time, a garden wall has been erected on Lot #5 and used in conjunction with the existing dwelling on Lot #4 (2 Chilton Place) as additional yard space. As for Lot #6, it is presently up for sale and no dwelling is contemplated at this time.

CONCLUSIONS:

At the request of the owner and to clear up the records, it is recommended that the conditions of City Council be rescinded for Lot #5 and #6 Registered Plan 40 municipally known as 65 and 69 Markland Street.

The owner has stated that the economic downturn in the real estate market has necessitated a delay in constructing a dwelling on Lot #6 (69 Markland Street).

The future development of Lot #6 (69 Markland Street) and Lot #7 (14 Chilton Place) will probably result in the erection of two more single family dwellings. If the conditions imposed by Council remain in effect, it will only force the owner to build in a market which does not require this development at the present time.

6

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 19

REPORT TO: Mrs. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

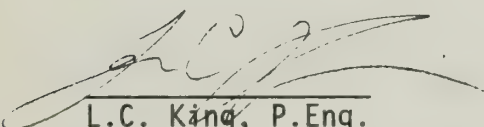
SUBJECT: Rainwater Leader By-law (By-law 88-09)(BI-91-12)

RECOMMENDATION:

That the projects at:

- 1/ Stanley Woods/Stanley Place - 250 and 300 Limeridge Road East, and
- 2/ Applegrove - 1380 Upper Ottawa Street

be exempt from connecting all rainwater leaders to storm sewers as required by By-law 80-245 and be accepted as built.



L.C. King, P.Eng.
PCL/LCK/dm
Encl.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1988, By-law 80-245 was amended by By-law 88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law, as it is presently worded and enforced, has been successful in alleviating most problems caused by downspouts.

Since this by-law passed, the Building Department has encountered several problems with enforcement of the By-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of surface catchment and retention on the site.

The owner of the above-noted properties for townhouses 250 and 300 Limeridge Road East and 1380 Upper Ottawa Street is seeking a change on exemption to the by-law. Please find attached a letter from Lorne Haverty Ltd., Architect, respecting these developments, whereby by an oversight, the builder did not connect all the rainwater leaders directly to the storm sewers.

It has been suggested by the Architect that the existing site be allowed to be maintained with the connection of some rainwater leaders directly to storm sewers and the remaining rainwater leaders to spill onto the ground and indirectly in catchbasins on site. This proposal is similar to water catchment for a parking lot where surface water is run into catchbasins and then discharged into a storm sewer.

c.c. - K. Brenner, Manager of Environmental Planning
Regional Engineering Department



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

Refer to File No.
Attention of
Your file No.

E220-0209
E.Hicken
DA.-88-34

September 30, 1991

The Corporation of the City of Hamilton
Building Department
City Hall, 3rd Floor

Att: Brian Allick, Manager of Field Services

**Inspection of Grading and Roof Drainage at
250-300 Limeridge Road East, Hamilton**

Dear Mr. Allick:

We visually inspected the above noted site September 26, 1991, and found the amended roof drainage does not appear to create any run-off problems and is contained within the site.

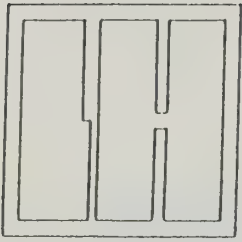
The overall grading of this development appears to comply with the intent of the approved grading plan. The supplied as built elevations indicate the entire development was constructed approximately 0.30 metres to high, however this does not seem to create any problems and is acceptable to this department.

K.A. Brenner, P.Eng.
Manager of Environmental Planning

OK EH/cb

cc: Ashenhurst Nouwens Ltd.
315-201 York Boulevard
Hamilton, Ontario
L8R 3K5

cc: Valery Construction Ltd.
2142 King Street East
Hamilton, Ontario
L8K 5W7



LORNE
HAVERTY
LTD.,
Architect

276 MAIN ST. WEST
HAMILTON, ONTARIO
L8P 1J8

PH (416) 546-1600
FAX (416) 546-1021

November 7, 1991

Mr. Peter Lampman
City of Hamilton
Building Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Lampman:

Please find enclosed our drawing illustrating the site plan for the STANLEY WOODS/STANLEY PLACE projects located at 250-300 Limeridge Road East in Hamilton. Please note the circles around the downspouts located along Limeridge Road, whereby storm water from the roofs is taken directly to the storm water system on site.

For the remainder of the site, as well as the APPLEGGROVE project located at 1380 Upper Ottawa Street, we, on behalf of Valery Construction, are requesting an exception from the bylaw to allow the roof run-off to be directed across grade to parking lot and grass drains. As inspected on the site, the drainage does not appear to create any run-off problem, and is contained on the site.

The projects at 250-300 Limeridge Road East appear 300 mm higher than designed; however, this does not seem to create any problem other than at the front of the buildings at Limeridge. This problem has now been looked after by the connections to the sewer.

Yours truly,

LORNE HAVERTY

CITY OF HAMILTON

- RECOMMENDATION -

8

DATE: 1991 December 23

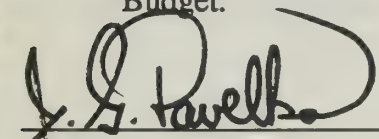
REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: 1992 to 1996 Community Renewal/Public Works
Capital Budget

RECOMMENDATION:

- a) That the attached submission forms be considered for inclusion in the 1992 to 1996 Capital Budget.


J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See attached submission forms.

BACKGROUND:

Attached are the 1992 to 1996 Capital Budget submissions for the Community Renewal Section of the Public Works Department along with Future Capital Budget Submissions for 1997 to 2001.

While Items 144.0 and 145.0-Ferguson Avenue Revitalization; Consult and Implementation-were included in the 1991-1995 Capital Budget, we are recommending acceleration of the expenditure years to correspond with the implementation of the Central/Beasley P.R.I.D.E. H.INT. Programme in the same geographical area. This will allow for a more comprehensive approach and maximization of available dollars.

...../2

Items 146.0, 147.0, 148.0 and 149.0 are all Neighbourhood P.R.I.D.E. Programmes and appear as approved in the 1991 to 1995 Capital Budget.

The Downtown Action Plan, Phase VI (Interconnecting Streets) listed as Item No. 150.0 and included in the last Capital Budget as a Future Capital Project, includes improvements to interconnecting streets in and around the Downtown Action Plan Study Area to tie in with existing improvements and assist in the revitalization of the Downtown Commercial District.

Item 151.0, Parkview P.R.I.D.E. East and West, if approved, will be one of the last Downtown neighbourhoods to be redeveloped under the P.R.I.D.E. Programme. Presently, the maximum grant available from the Ministry of Municipal Affairs, Community Development Branch is four hundred thousand dollars (\$400,000.) matched with a municipal contribution. The total project cost would therefore be eight hundred thousand dollars (\$800,000.). This Programme provides an excellent way to maximize available Municipal funds.

JMcN:bk

cc: Mr. J. Thompson, Secretary
Finance and Administration Committee

A handwritten signature in dark ink, appearing to be 'JMcN', is located below the distribution list.

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
 2. PROJECT NAME: Ferguson Avenue Revitalization - Consultant
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Consultant fees to provide for an overall action plan for Ferguson Avenue revitalization from the escarpment to Pier 4 Park. This consultant would work with City staff, politicians and the public to prepare concepts, propose a phasing schedule and budgetary requirements to carry out the work as well as detailed plans and specifications.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
 DATE (MONTH-YEAR): January, 1992
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1992

5. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 100,000.
 (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ _____
 (c) NET CITY'S COST: \$ 100,000.
 (d) ANNUAL CAPITAL FINANCING COST: \$ _____
 (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
 (f) NATURE OF FINANCING: _____

6. (a) YEAR OF EXPENDITURE - 1992 \$ 100,000.
 - 1993 \$ _____
 - 1994 \$ _____
 - 1995 \$ _____
 - 1996 \$ _____
 - 1997 & after \$ _____

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: _____

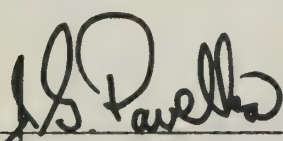
8. ADDITIONAL ANNUAL OPERATING COST: \$ NIL

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Project originally identified by the Planning and Development Committee as high priority action. If not implemented, public pedestrian and bicycle access will further deteriorate. In order to coordinate this project with P.R.I.D.E. H.INT., monies must be available for consultants' fees in 1992....cont'd

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐ Yes ☒ - AT CITY'S COST OF \$ 100,000.
 - SCHEDULED TO START IN THE YEAR 1993


 Signature of Department Head/Local
 Board Member
 (for Standing Committee)

 Signature of C.A.O.
 (for Finance & Administration
 Committee)

DEC. 30/91

Date

Date

Page 2 cont'd...

rather than 1993. The opportunity to coordinate the project with P.R.I.D.E. H.INT. dollars and maximize funding and results would be lost.

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Ferguson Avenue Revitalization - Implementation
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Based on plans prepared by the Consultant, Ferguson Avenue is proposed as a three phase revitalization project. Phase I will include primary treatment to the area between Main and Kelly Streets with purchase and improvement of the CN lands in between Main and King Streets. Phase II entails secondary treatment to Ferguson Avenue from the escarpment to Main Street and from Kelly Street to Pier 4 Park with emphasis on pedestrian and bicycle linkages. Phase III provides for dedication of bicycle and pedestrian connections
4. (a) PROJECT STARTING (Year of O.M.B. approval) January, 1993 cont'd...
DATE (MONTH-YEAR):
(b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1994
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 1,575,000.
(b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ _____
(c) NET CITY'S COST: \$ 1,575,000.
(d) ANNUAL CAPITAL FINANCING COST: \$ _____
(e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
(f) NATURE OF FINANCING: _____
6. (a) YEAR OF EXPENDITURE - 1992 \$ _____
- 1993 \$ 1,000,000.
- 1994 \$ 575,000.
- 1995 \$ _____
- 1996 \$ _____
- 1997 & after \$ _____
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 75
8. ADDITIONAL ANNUAL OPERATING COST: \$ 10,000.
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Continued decay of Ferguson Avenue with no active signs of growth particularly adjacent to the newly developed Theatre Aquarius and Beasley Park. Without this revitalization, private developers will not see any encouragement to invest in Ferguson Avenue and future growth will be stifled. In order to properly implement
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET? cont'd...

No ☐Yes ☒- AT CITY'S COST OF \$ 1,575,000.- SCHEDULED TO START IN THE YEAR 1994

J. S. Powell
Signature of Department Head/Local
Board Member
(for Standing Committee)

Signature of C.A.O.
(for Finance & Administration
Committee)

DEC 30/94

Date

Date

- 3) at the perimeter road and at St. Joseph's Drive to Sam Lawrence Park. This Project would be co-ordinated with the Central/Beasley P.R.I.D.E. H.INT. Programme, planning and the public participation process which has commenced.
- 9) this project, it should be co-ordinated with Central/Beasley H.INT. To do this, funding of the Project must be accelerated to commence in 1993.

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
 2. PROJECT NAME: Crown Point East/McAnulty P.R.I.D.E. Programme; Phase I
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This is the first phase of a two phase project which will include improvements to both hard and soft services addressing residential, commercial and industrial needs of the neighbourhoods. In Phase I, stress will be placed on the McAnulty Priority One Park located at Holly and McAnulty Boulevard. Phase II will place more emphasis on the recreational/residential needs of the Crown Point East Neighbourhood.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
 DATE (MONTH-YEAR): January, 1993
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1995

5. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 800,000.
 (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 400,000.
 (c) NET CITY'S COST: \$ 400,000.
 (d) ANNUAL CAPITAL FINANCING COST: \$ _____
 (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
 (f) NATURE OF FINANCING: Debentures
6. (a) YEAR OF EXPENDITURE - 1992 \$ _____
 - 1993 \$ 100,000.
 - 1994 \$ 300,000.
 - 1995 \$ _____
 - 1996 \$ _____
 - 1997 & after \$ _____

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40

8. ADDITIONAL ANNUAL OPERATING COST: \$ 25,000.

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Priority One Park remains undeveloped; Provincial subsidies not maximized; Neighbourhood facilities continue to decay.

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐

Yes ☒

- AT CITY'S COST OF \$ 400,000.

- SCHEDULED TO START IN THE YEAR 1993


 Signature of Department Head/Local
 Board Mander
 (for Standing Committee)

 Signature of C.A.O.
 (for Finance & Administration
 Committee)

DSC 30/91

Date

Date

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
 2. PROJECT NAME: Crown Point East/McAnulty P.R.I.D.E. Programme; Phase II
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

This is the second phase of a two phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods as per guidelines provided by the Ministry of Municipal Affairs under the P.R.I.D.E. Programme. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
 DATE (MONTH-YEAR): January, 1994
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1996

5. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 800,000.
 (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 400,000.
 (c) NET CITY'S COST: \$ 400,000.
 (d) ANNUAL CAPITAL FINANCING COST: \$ _____
 (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
 (f) NATURE OF FINANCING: Debentures
6. (a) YEAR OF EXPENDITURE - 1992 \$ _____
 - 1993 \$ _____
 - 1994 \$ 100,000.
 - 1995 \$ 200,000.
 - 1996 \$ 100,000.
 - 1997 & after \$ _____

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40

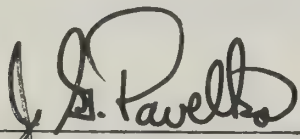
8. ADDITIONAL ANNUAL OPERATING COST: \$ 25,000.

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Second Phase of II Phase Project not completed leaving the Crown Point East Priority One Park undeveloped. Existing shortfall of recreational facilities, hard and soft services will continue to worsen.

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐ Yes ☒ - AT CITY'S COST OF \$ 400,000.
 - SCHEDULED TO START IN THE YEAR 1993


 Signature of Department Head/Local
 Board Manager
 (for Standing Committee)

 Signature of C.A.O.
 (for Finance & Administration
 Committee)

DEC. 30/91

Date

Date

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
 2. PROJECT NAME: Hamilton Beach P.R.I.D.E. Programme
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Upon completion of sewers along the beach by Regional Engineering, landscaping and park facilities can be improved in accordance with the Beach Neighbourhood Plan and the Hamilton Beach Master Plan in cooperation with the Conservation Authority and the Regional Municipality of Hamilton-Wentworth.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
 DATE (MONTH-YEAR): January, 1994
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1996

5. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 800,000.
 (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 400,000.
 (c) NET CITY'S COST: \$ 400,000.
 (d) ANNUAL CAPITAL FINANCING COST: \$ _____
 (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
 (f) NATURE OF FINANCING: Debentures

6. (a) YEAR OF EXPENDITURE
- | | |
|----------------|--------------------|
| - 1992 | \$ _____ |
| - 1993 | \$ _____ |
| - 1994 | \$ _____ |
| - 1995 | \$ <u>200,000.</u> |
| - 1996 | \$ <u>100,000.</u> |
| - 1997 & after | \$ <u>100,000.</u> |

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40

8. ADDITIONAL ANNUAL OPERATING COST: \$ 27,000.

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Extensive prior planning by politicians, consultants, staff and the public will have been wasted. Master Plan will be only partially implemented.

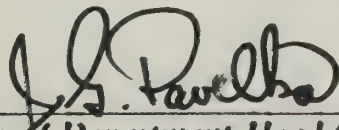
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐

Yes ☒

- AT CITY'S COST OF \$ 400,000.

- SCHEDULED TO START IN THE YEAR 1994


 Signature of Department Head/Local
 Board Manager
 (for Standing Committee)

 Signature of C.A.O.
 (for Finance & Administration
 Committee)

DEC 30/91

Date

Date

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
 2. PROJECT NAME: Stipeley South Neighbourhood P.R.I.D.E. Programme
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

The Stipeley Neighbourhood south of Barton Street has a major deficiency in park land and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded, hard and soft services require major improvements. Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial, commercial uses.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
 DATE (MONTH-YEAR): January, 1995
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1997

5. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 800,000.
 (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 400,000.
 (c) NET CITY'S COST: \$ 400,000.
 (d) ANNUAL CAPITAL FINANCING COST: \$ _____
 (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
 (f) NATURE OF FINANCING: Debentures
6. (a) YEAR OF EXPENDITURE - 1992 \$ _____
 - 1993 \$ _____
 - 1994 \$ _____
 - 1995 \$ 100,000.
 - 1996 \$ 200,000.
 - 1997 & after \$ 100,000.

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40

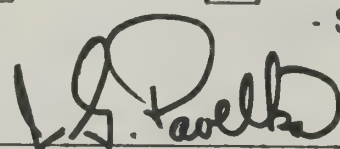
8. ADDITIONAL ANNUAL OPERATING COST: \$ 27,000.

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Parkland remains deficient
Neighbourhood hard services continue to deteriorate
Provincial subsidy not maximized through the Ministry of Municipal Affairs, Community Development Branch

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☒ Yes ☐ - AT CITY'S COST OF \$ _____
 - SCHEDULED TO START IN THE YEAR _____


 Signature of Department Head/Local
 Board Member
 (for Standing Committee)

 Signature of C.A.O.
 (for Finance & Administration
 Committee)

DEC 30/91

Date

Date

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
 2. PROJECT NAME: Parkview P.R.I.D.E. Programme (East and West)
 3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Parkview Neighbourhood, located in the eastern portion of the City adjacent to Red Hill Creek is deficient in park facilities, and other hard and soft services. A Priority One Park must be identified and developed. Other deficiencies exist in the commercial and residential sectors of the neighbourhood.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
 DATE (MONTH-YEAR): January, 1996
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1998

5. (a) GROSS COST OF PROJECT
 IN YEAR-OF-START DOLLARS: \$ 800,000.
 (b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 400,000.
 (c) NET CITY'S COST: \$ 400,000.
 (d) ANNUAL CAPITAL FINANCING COST: \$ _____
 (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
 (f) NATURE OF FINANCING: _____
 6. (a) YEAR OF EXPENDITURE - 1992 \$ _____
 - 1993 \$ _____
 - 1994 \$ _____
 - 1995 \$ _____
 - 1996 \$ 100,000.
 - 1997 & after \$ 300,000.

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40

8. ADDITIONAL ANNUAL OPERATING COST: \$ 29,000

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Further deterioration of neighbourhood, Provincial funding not maximized.

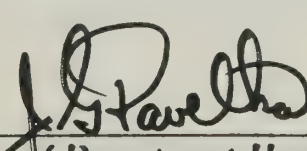
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☒

Yes ☐

- AT CITY'S COST OF \$ _____

- SCHEDULED TO START IN THE YEAR _____


 Signature of Department Head/Local
 Board Manager
 (for Standing Committee)

 Signature of C.A.O.
 (for Finance & Administration
 Committee)

OSC 30/91

Date

Date

**1992-1996 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Phase VI of the Downtown Action Plan - Interconnecting Streets
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to work with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at minimal cost to the City. Authorization was given to the Community Development Department in 1985 by City Council to review interconnecting streets within the Study Area to determine the
con'd..
4. (a) PROJECT STARTING (Year of O.M.B. approval) January, 1996
DATE (MONTH-YEAR):
(b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1998
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
(b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ _____
(c) NET CITY'S COST: \$ 800,000.
(d) ANNUAL CAPITAL FINANCING COST: \$ _____
(e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
(f) NATURE OF FINANCING: _____
6. (a) YEAR OF EXPENDITURE - 1992 \$ _____
- 1993 \$ _____
- 1994 \$ _____
- 1995 \$ _____
- 1996 \$ 200,000.
- 1997 & after \$ 600,000.
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40
8. ADDITIONAL ANNUAL OPERATING COST: \$ _____
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
The Downtown Action Plan improvements lose their impact as the commercial sector grows around it. Public and private demand for improvements will not be planned or budgeted for; opportunities with developers will remain untapped.
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No ☒ Yes ☐ - AT CITY'S COST OF \$ _____
- SCHEDULED TO START IN THE YEAR _____

J. S. Pavellha
Signature of Department Head/Local
Board Manager
(for Standing Committee)

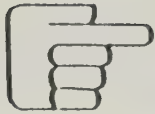
DEC 30/91

Date

Signature of C.A.O.
(for Finance & Administration
Committee)

Date

feasibility of extending the Downtown Action Plan physical improvements.



**FUTURE CAPITAL PROJECT
SCHEDULED TO BE STARTED 1997-2001**

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Blakeley/St. Clair P.R.I.D.E. Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational, hard and soft services as identified as well as commercial, residential and industrial needs. Blakeley/St. Clair are located south/central in Hamilton in Ward Three in between Wentworth, Gage, Main Streets and the base of the escarpment.
4. (a) PROJECT STARTING (Year of O.M.B. approval)
DATE (MONTH-YEAR): January, 1997
(b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1999
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
(b) LESS SUBSIDIES AND OTHER RECEIPTS (Specify) \$ 400,000.
(c) NET CITY'S COST: \$ 400,000.
(d) ANNUAL CAPITAL FINANCING COST: \$ _____
(e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
(f) NATURE OF FINANCING: _____
6. (a) YEAR OF EXPENDITURE - 1997 \$ 100,000.
- 1998 \$ 200,000.
- 1999 \$ 100,000.
- 2000 \$ _____
- 2001 \$ _____
- 2002 & after \$ _____
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40
8. ADDITIONAL ANNUAL OPERATING COST: \$ 31,000.
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Further deterioration of existing hard and soft services. Loss of Provincial Grant of \$400,000.
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
No ☒ Yes ☐ - AT CITY'S COST OF \$ _____
- SCHEDULED TO START IN THE YEAR _____

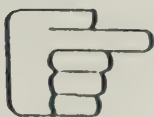
[Signature]
Signature of Department Head/Local
Board Manager
(for Standing Committee)

[Signature]
Signature of C.A.O.
(for Finance & Administration
Committee)

DEC. 31/91

Date

Date



FUTURE CAPITAL PROJECT SCHEDULED TO BE STARTED 1997-2001

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian link to the Downtown Action Plan Redevelopment Area. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets.

4. (a) PROJECT STARTING (Year of O.M.B. approval)
DATE (MONTH-YEAR): January, 1997
- (b) PROJECT FINISHING DATE (MONTH-YEAR): December, 1999

5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 600,000.
- (b) LESS SUBSIDIES AND OTHER RECEIPTS (Specify) \$ _____
- (c) NET CITY'S COST: \$ 600,000.
- (d) ANNUAL CAPITAL FINANCING COST: \$ _____
- (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
- (f) NATURE OF FINANCING: _____

6. (a) YEAR OF EXPENDITURE
- | | | |
|----------------|----|----------|
| - 1997 | \$ | 100,000. |
| - 1998 | \$ | 400,000. |
| - 1999 | \$ | 100,000. |
| - 2000 | \$ | _____ |
| - 2001 | \$ | _____ |
| - 2002 & after | \$ | _____ |

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 35

8. ADDITIONAL ANNUAL OPERATING COST: \$ unknown

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

No pedestrian link to GO Station at Hunter from Downtown. Loss of commercial potential Downtown particularly east of James Street.

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☒Yes ☐

- AT CITY'S COST OF \$ _____

- SCHEDULED TO START IN THE YEAR _____

[Signature]
Signature of Department Head/Local
Board Manager
(for Standing Committee)

Signature of C.A.O.
(for Finance & Administration
Committee)

DEC. 30/91

Date

Date

9

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 30

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

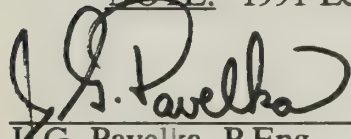
SUBJECT: Ottawa Street B.I.A. Proposed Budget
and Schedule of Payments for 1992

RECOMMENDATION:

- a) That the 1992 operating Budget of the Ottawa Street B.I.A. (attached as Schedule 'A') be approved in the amount of eighty-five thousand dollars (\$85,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1992 Budget as referenced in (a) above; and,
- c) That the Schedule of Payments for 1992 be as follows:

February 01	\$42,500.
June 01	\$21,250.
October 01	\$21,250.

NOTE: 1991 Levy Arrears will be deducted from the first payment for 1992.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eighty-five thousand dollars (\$85,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this eighty-five thousand dollars (\$85,000.) operating Budget.

BACKGROUND:

At its general Membership Meeting held 1991 November 21, the Ottawa Street B.I.A. adopted a Budget of eighty-five thousand dollars (\$85,000.). An allowance for unpaid levies of fifteen thousand dollars (\$15,000.) has been included in the Budget.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department

Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisory Business Tax

Mr. J. Thompson, Secretary
Finance and Administration Committee

me.

Budget Item	Total \$	%
Rent		
12 months @ \$470 + 7% GST	6,050	7.12
Realty taxes (yearly)	1,200	1.41
Utilities		
Hydro - office, 12 months @ \$106.25	1,275	1.50
Telephone - 2 lines @ 47.25, 12 months	1,135	1.33
- long distance calls, 12 months	490	.58
Insurance		
Total coverage includes: Liability, vandalism fire, computers, office equipment and special events	800	.94
Office Supplies		
Paper, pens, letterhead, capital newsletters, postage and sundries	1,750	2.06
Office Equipment		
Photocopier		
Expenses \$1,100.00		
Service Contracts \$1,000.00		
less: revenue from merchants \$1,000.00		
	1,100	1.29
Typewriters		
2 service contracts	500	.59
Wages		
Manager's Contract	17,000	20.00
Administrative Assistant Contract	6,000	7.06
Advertising	15,000	17.65
Beautification		
Street Cleaner's Contract	10,000	11.76
Street Cleaner supplies - bags, brooms, etc.	1,000	1.18
Garbage Removal	1,200	1.41
Lighting Secondary		
Maintenance & Hydro for lights in trees	4,500	5.29
Other Costs include:		
Bank Charges 250 .30		
Workers Compensation 100 .12		
Yearly audit of books 650 .76		
	1,000	1.18
Contingency Fund		
17.65 percent	15,000	17.65
Total	85,000	100.00

10

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 30

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. Pavelka
Director of Public Works

SUBJECT: Downtown Promenade B.I.A. Proposed Budget
and Schedule of Payments for 1992

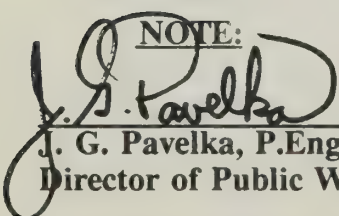
RECOMMENDATION:

- a) That the 1992 operating Budget of the Downtown Promenade B.I.A. (attached as Schedule 'A') be approved in the amount of one hundred and ninety-nine thousand dollars (\$199,000.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1992 Budget as reference (a) above; and,
- c) That the Schedule of Payments for 1992 be as follows:

January 01	\$16,583.33	July 01	\$16,583.33
February 01	\$16,583.33	August 01	\$16,583.33
March 01	\$16,583.33	September 01	\$16,583.34
April 01	\$16,583.33	October 01	\$16,583.34
May 01	\$16,583.33	November 01	\$16,583.34
June 01	\$16,583.33	December 01	\$16,583.34

NOTE:

Levy Arrears will be deducted from the last ten payments for 1992.


J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of one hundred and ninety-nine thousand dollars (\$199,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this one hundred and ninety-nine thousand dollars (\$199,000.) operating Budget.

BACKGROUND:

At its general Meeting held on 1991 December 18, the Downtown Promenade B.I.A. adopted a Budget of one hundred and ninety-nine thousand dollars (\$199,000.). A reserve for arrears and adjustments is being held by the B.I.A.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department

Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisor Business Tax

Mr. J. Thompson, Secretary
Finance and Administration Committee

Mr.

PROPOSED BUDGET FOR 1992

Revenue:

%

Levy	199,000	100
------	---------	-----

Expense:

Holdback for arrears/reserve/ adjustments	58,506	29.4
---	--------	------

Fees/Admin.	65,800	33.1
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Projects/Media/ Special Programs	74,694	37.5
-------------------------------------	--------	------

Notes: -In Short Term Deposits there is a reserve of \$17,076.15 current to November 30th.

-This is a restricted account to be used for arrears, overages, or adjustments. As in 1991, the budget has not been increased, therefore the mill rate should remain at approximately the same value.

PROPOSED PROJECTS FOR 1992

Relational Database Development
Economic Development Initiative
with Co-op student

Flower Planter maintenance

New Year's Eve 1991/92
Annual Bed Race
Easter

Annual Tray Race
Fit Day
Music in the City series:
-Canada Day -CMW -Aquafest
Pumpkin Patch
Christmas
Town Crier
Promotion-General

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 30

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

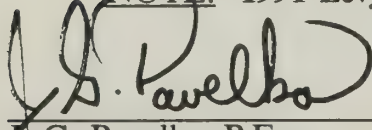
SUBJECT: International Village B.I.A. Proposed Budget
and Schedule of Payments for 1992

RECOMMENDATION:

- a) That the 1992 operating budget of the International Village B.I.A. (attached as Schedule 'A') be approved in the amount of fifty-nine thousand, three hundred and sixty dollars (\$59,360.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1992 Budget as referenced in (a) above; and,
- c) That the Schedule of Payments for 1992 be as follows:

February 01	\$9,893.33
April 01	\$9,893.33
June 01	\$9,893.33
August 01	\$9,893.33
October 01	\$9,893.33
December 01	\$9,893.34

NOTE: 1991 Levy Arrears will be deducted from the first payments for 1992.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of fifty-nine thousand, three hundred and sixty dollars (\$59,360.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this fifty-nine thousand, three hundred and sixty dollars (\$59,360.) operating Budget.

BACKGROUND:

At its general Membership Meeting held 1991 November 20, the International Village B.I.A. adopted a Budget of fifty-nine thousand, three hundred and sixty dollars (\$59,360.). Included within this Budget, is an allowance of unpaid levies of ten thousand dollars (\$10,000.).

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor
Law Department

Mr. E. Matthews, City Treasurer
Treasury Department
ATTN: Mr. T. Bradbury, Asst. Supervisory Business Tax

Mr. J. Thompson, Secretary
Finance and Administration Committee

ms.

INTERNATIONAL

Village

King Street East
between Wellington
and MaryApproved~~Proposed~~ Budget
January 1 to December 31, 1992

<u>BIA OPERATIONS</u>	<u>Cost</u>	<u>*Recoverable From Grant</u>	<u>Net Cost</u>
RENT	\$3,600.00	\$1,200.00	\$2,400.00
UTILITIES	1,400.00	900.00	500.00
EQUIPMENT RENTAL	480.00	600.00	(120.00)
OFFICE SUPPLIES/ POSTAGE	1,500.00	960.00	540.00
BANK CHARGES	.00	150.00	(150.00)
	<u>\$6,980.00</u>	<u>\$3,810.00</u>	<u>\$3,170.00</u>
<u>SALARIES</u>			
EXECUTIVE DIRECTOR	\$20,200.00	\$7,280.00	\$12,920.00
WAGE COSTS	<u>2,048.00</u>	<u>738.00</u>	<u>1,310.00</u>
	<u>\$22,248.00</u>	<u>\$8,018.00</u>	<u>\$14,230.00</u>
INSURANCE & LIABILITY	\$ 660.00		\$ 660.00
AUDIT FEES	300.00		300.00
ADVERTISING/PROMO	40,000.00		40,000.00
CHRISTMAS LIGHT GRANT	<u>.00</u>	<u>\$ 1,000.00</u>	<u>(1,000.00)</u>
	<u>\$70,188.00</u>	<u>\$12,828.00</u>	<u>\$57,360.00</u>
TRAINING FEE TO BIA FROM GRANT	<u>.00</u>	<u>\$ 3000.00</u>	<u>(\$ 3000.00)</u>
	<u>\$70,188.00</u>	<u>\$15,828.00</u>	<u>\$54,360.00</u>
			**10,000.00
			*** (5,000.00)
LEVY REQUIREMENT			<u>\$59,360.00</u>

- * Factored into this Budget is the Grant completed March 1992. A second will be applied for to run June to Dec. 1992.
- ** Although a hold-back at January 1992 - as collected, forwarded. Allowance for 1991 Arrears.
- *** Arrears collectible 1990.

12

**CITY OF HAMILTON
RECOMMENDATION**

DATE: 1991 November 12

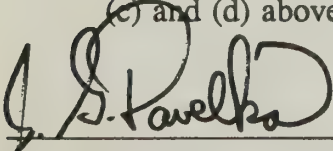
REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: North End East and West Neighbourhoods;
Application for Provincial P.R.I.D.E. Programme

RECOMMENDATION:

- a) That the Public Works Department, Community Renewal Section, be authorized to make application to the Ministry of Municipal Affairs, Community Development Branch for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) to a maximum of four hundred thousand dollars (\$400,000.) for portions of the North End East and West Neighbourhoods in accordance with the map attached as Schedule 'A'; and,
- b) That subject to the receipt of an allocation from the Ministry of Municipal Affairs under the P.R.I.D.E. Programme, the City's share of the project to a maximum of four hundred thousand dollars (\$400,000.) matched with the Provincial share of four hundred thousand dollars (\$400,000.) equalling a total project cost of eight hundred thousand dollars (\$800,000.), be provided through existing Capital Budget funding for Pier 4 Park from the Parks Development Section of the Public Works Department; and,
- c) That portions of the North End East and West Neighbourhoods be designated as one Community Improvement Project Area in accordance with the map attached as Schedule 'A'; and,
- d) That the Public Works Department, Community Renewal Section with input from staff, Ward Aldermen and citizens, be authorized to prepare the Community Improvement Plan for approval by City Council and the Ministry of Municipal Affairs, Community Development Branch; and,
- e) That the Law Department be authorized to prepare the necessary by-laws to adopt the North End Community Improvement Project Area and Community Improvement Plan in accordance with (c) and (d) above.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If successful, the City would match, on a 50/50 basis, four hundred thousand dollars (\$400,000.) of City funding with four hundred thousand dollars (\$400,000.) of Provincial funding.

The four hundred thousand dollars (\$400,000.) of City funding has already been financed and is part of the one million dollars (\$1,000,000.) in the City's 1991 Capital Budget for the Pier 4 Park Development.

BACKGROUND:

The City of Hamilton has been very successful in receiving allocations from the Ministry of Municipal Affairs, Community Development Branch for funding under the P.R.I.D.E. Programme. Over the past eight years, we have received over ten million dollars (\$10,000,000.) through the Ontario Neighbourhood Improvement Programme (O.N.I.P.), Commercial Area Improvement Programme (C.A.I.P.) and the more recent P.R.I.D.E. Programmes. The P.R.I.D.E. Programme replaced O.N.I.P. and C.A.I.P. in 1987.

Presently, we are implementing a number of different P.R.I.D.E. Programmes including:

Project	Years	Provincial Allocation	Total Allocation Including Municipal Share
Crown Point West/Stipeley P.R.I.D.E. Phase II	1989-92	\$350,000.	\$700,000.
Central/Beasley P.R.I.D.E. Programme	1990-93	\$313,500.	\$627,000.
Central/Beasley P.R.I.D.E. H.INT. Programme	1991-94	\$720,000.	\$1,440,000.
P.R.I.D.E. Anti-Recession Programme	1991-92	\$400,000.	\$800,000.
TOTAL		\$1,783,500.	\$3,670,000.

The next priority neighbourhood as approved by City Council on 1991 May 28 and, as contained in the Parks Expenditure Policy, is the Crown Point East/McAnulty Community Improvement Project Area. This project was originally proposed for commencement in April of 1992 with completion projected for December of 1995.

The necessary grant application would have been submitted to the Ministry of Municipal Affairs, Community Development Branch by December of 1991. Since this Capital Budget Item Number 178.0 has been approved by Council for inclusion in the 1991 to 1995 Budget for commencement in 1993 rather than 1992, we will not be able to make application until December of 1992. This means that a grant under the P.R.I.D.E. Programme will not be received for 1992. Given the financial advantage of making application to the Ministry of Municipal Affairs for this grant programme, the Public Works Department through the Parks Staff Committee are recommending that an application to the Ministry of Municipal Affairs should be made every year. It is the goal of the Public Works Department to ensure that all grants available are maximized in order that development continues to occur at a reduced cost to the City. The Parks Staff Committee and the Public Works Department are therefore recommending that application be made to the Ministry of Municipal Affairs, Community Development Branch for matching funds under the P.R.I.D.E. Programme for the North End East and West Neighbourhoods. This application would not alter any of the existing priorities adopted by City Council through the Parks Expenditure Policy for the purpose of the P.R.I.D.E. Programme. If approved, the planning and public process would commence after receipt of an allocation in 1992 with implementation primarily occurring in 1993 and 1994.

Pier 4 Park, is located in the North End West Neighbourhood. Landscaping and construction of Guise Street and portions of Bay Street under the Provincial P.R.I.D.E. Programme would provide a bicycle and pedestrian connection between Pier 4, Bayview and Eastwood Parks. With proposed improvements to Ferguson Avenue, creating a pedestrian and bicycle route from the escarpment and Sam Lawrence Park to Eastwood Park, there would be a continuous north/south route from the escarpment to the lower city connecting to the entire Waterfront Development.

This recommended P.R.I.D.E. Project does not alter any of the existing priorities for Pier 4 Park approved by the Parks and Recreation Committee and City Council. The Public Works Department is attempting to utilize all funding sources available to create the maximum positive impact on the community.

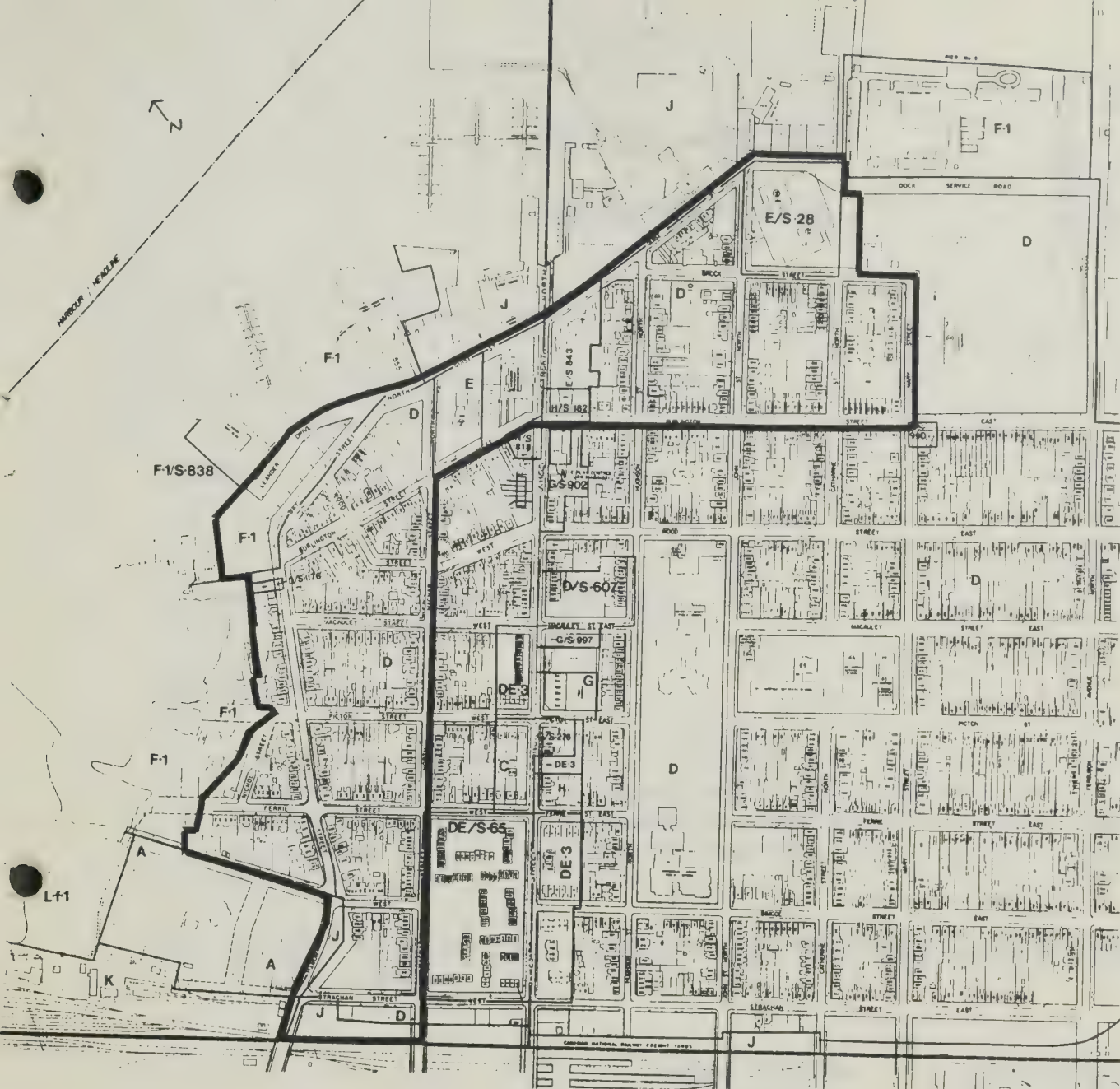
Concerning the future of the P.R.I.D.E. Programme, the Ministry of Municipal Affairs, Community Development Branch recently held a series of meetings throughout Ontario with various existing and potential stakeholders in the Programme to gather input on its future relative to a new focus being discussed by the Ministry of Municipal Affairs. This new focus centers on Economic Development and the creation of jobs in each local community. Tanya Melnyk, Director of the Community Development Branch of the Ministry of Municipal Affairs, advised representatives of municipalities, townships and villages that the Ministry of Municipal Affairs wants more direct involvement in economic development in order to assist in stabilizing the economic base in local communities. The Ministry staff will not commit at this time to any comments regarding the likelihood that P.R.I.D.E. will continue to be available in the future.

We anticipate an announcement from the Ministry of Municipal Affairs before the end of 1991. Until such time as any changes are, we will continue to assume that the P.R.I.D.E. Programme is still available and recommend the submission of an application accordingly. This will send a message to the Community Development Branch that the Programme is still of great value to the City of Hamilton.

JMcN:bk

Johnson
cc: Ms. P. Noe Johnson, City Solicitor
Law Department
Mr. Kevin Christenson, Secretary
Parks and Recreation Committee
Mr. C. Firth-Eagland, Superintendent of Parks Development and Maintenance Section
Public Works
Mr. B. Chrystian, Manager of Parks Division
Public Works Department
Mr. E. Matthews, City Treasurer
Treasury Department

**NORTH END EAST AND WEST COMMUNITY
IMPROVEMENT PROJECT AREA**



CITY OF HAMILTON

- RECOMMENDATION -

13

DATE: 1992 January 2

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: P.R.I.D.E. Anti-Recession;
Amendment of Project List

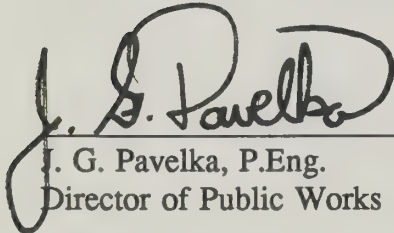
RECOMMENDATION:

- a) That the actions of the Director of Public Works to spend an additional one hundred thousand dollars (\$100,000.) in sidewalk reconstruction work, rather than one hundred thousand dollars (\$100,000.) in trees and grates in order to comply with the requirements to spend the P.R.I.D.E. Anti-Recession Programme funding by 1992 January 31 be approved; and,
- b) That the P.R.I.D.E. Anti-Recession proposed Project List and Estimated Expenditures be amended as follows:

	Original Estimates of Expenditure	Newly Proposed List of Expenditures
Wheelchair Ramps	\$200,000.	\$160,000.
Lights in Beasley Park	N/A	\$ 40,000.
Hard-Surface Treatment to Kelly and Elgin Streets in the Central/Beasley Neighbourhood	\$100,000.	\$100,000.
Trees and Grates	\$100,000.	N/A
Sidewalk Reconstruction	\$400,000.	\$500,000.

...../2

- c) That the Finance and Administration Committee be requested to fund the additional one hundred thousand dollars (\$100,000.) for hard surface treatment work to Kelly and Elgin Streets in the Central/Beasley Neighbourhood from the one hundred thousand dollars (\$100,000.) unused funding in the 1991 Road and Sidewalk Reconstruction Programme which has been offset from the P.R.I.D.E. Anti-Recession Programme.


J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The P.R.I.D.E. Anti-Recession total Project cost is still eight hundred thousand dollars (\$800,000.) as previously specified in the Transport and Environment Committee report to City Council on 1991 July 30. The City's portion of the Anti-Recession Programme of four hundred thousand dollars (\$400,000.) will still be funded from the 1991 Capital Budget Programme for Sidewalk Reconstruction. Because of the recommended changes to the estimated expenditures listed in (a), (b) and (c) and since the reconstruction carried out in 1991 was completed at less than the original estimated amounts, the following account numbers will be utilized for accounting purposes:

Sidewalk Reconstruction

		Actual Expenditure
Ivon Avenue (Barton to Dunsmure)	CF 5698 529142009	\$ 79,480.46
Normanhurst Avenue (Britannia to Dunsmure)	CF 5698 529142021	\$ 70,411.67
Rosewood Avenue (Main to Queenston)	CF 5698 529142027	\$ 46,998.08
Main Street East (Gage to the Delta)	CF 5698 529142016	\$ 48,150.00
Main Street East (Crosthwaite to Queenston)	CF 5698 529140014	\$138,834.81
Queenston (Traffic Circle to Reid)	CF 5698 529142025	<u>\$116,124.98</u>
TOTAL		<u>\$500,000.00</u>

These specific projects were selected from the 1991 Capital Budget because they are projects that have been completed in 1991 and are within the areas designated by the Ministry of Municipal Affairs as to where the grant funding may be spent.

BACKGROUND:

On 1991 March 26 City Council approved a report authorizing the Public Works Department to advise the Ministry of Municipal Affairs that the City of Hamilton would utilize the P.R.I.D.E. Anti-Recession allocation of four hundred thousand dollars (\$400,000.) and that the City's portion of this Programme would be financed through existing budgets within already designated Community Improvement Project Areas and Redevelopment Areas. Thus, the existing 1991 Capital Budget Programme for Sidewalk Reconstruction administered by the Public Works Department, Streets and Sanitation Division was accessed to fund the City's portion of the Programme of four hundred thousand dollars (\$400,000.). These works have been carried out and the actual expenditure was far less than originally anticipated. Therefore, in order to substantiate the City's portion of the grant programme and to utilize a portion of the Provincial grant, additional sidewalk reconstruction projects were identified totalling five hundred thousand dollars (\$500,000.).

Additionally, the hard surface treatment to Kelly and Elgin Streets was originally estimated at one hundred thousand dollars (\$100,000.). This estimate did not include the full scope of work necessary to carry out all of the improvements such as demolition, construction of roads, sidewalks, sewer repairs and the truck turnaround for Cannon Knitting Mills. The new estimate based on tendered prices equals two hundred thousand dollars (\$200,000.). This Project is presently under way but is not anticipated to be complete by 1992 January 31, which is the deadline for the Anti-Recession Programme. We are therefore recommending that, the portion of the reconstruction of Kelly and Elgin Streets which cannot be completed prior to 1992 January 31 at a total cost of one hundred thousand dollars (\$100,000.), be carried out as part of the 1991 Reconstruction Programme Carry Over Works and that, in order to balance the Reconstruction Programme Budget, an equal amount of money of one hundred thousand dollars (\$100,000.) be accessed from the Anti-Recession Programme to pay for sidewalk reconstruction completed in 1991.

Regarding wheelchair ramps, the original proposed budget was two hundred thousand dollars (\$200,000.). Again, the construction of all of these ramps listed on the Priority List prepared with the assistance of the Wheelchair Ramping Sub-Committee, have been completed but at a lower cost than originally anticipated. With the difference in funds of forty thousand dollars (\$40,000.) we are proposing that lighting in Beasley Park be purchased.

Trees and Grates within the Central and Beasley Neighbourhoods were originally proposed but due to problems with delivery times for the grates this has proven to be impossible to be carried out within the time frame allowed. Tree planting will be carried out in the future as part of the Central/Beasley P.R.I.D.E. and P.R.I.D.E. H.INT. Programmes.

JMcN:bk

cc: Mr. E. Matthews, Treasurer
Treasury Department
ATTN: Mr. R. Hammel, Manager of Accounting

Mr. D. Lobo, Manager of Streets and Sanitation Division
Public Works Department

Mr. B. Chrystian, Manager of Parks Development Division
Public Works Department

Ms. T. Agnello, Secretary
Transport and Environment Committee

Alderman Copps, Chairman
Wheelchair Ramping Sub-Committee

Mr. D. Onishi, Director
of Engineering Services
ATTN: Mr. T. Engelbrecht, Project Co-ordinator

14

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 9

REPORT TO: Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: K. E. Avery
City Clerk

SUBJECT: Aldermanic Appointments -
Sub-Committees of the Planning and
Development Committee

RECOMMENDATION:

That members of the Planning and Development Committee be appointed to the following sub-committees which fall under the jurisdiction of the Planning and Development Committee:

(a) **Business Land Use Advisory Board**

Chairperson of the Planning and Development Committee or his designate
(Presently Alderman Lombardo)

(b) **Central Area Plan Implementation Committee**

1 member of City Council from the Planning and Development Committee
(Presently Alderman McCulloch)

(c) **Downtown Action Plan Co-ordinating Committee**

1 member of City Council from the Planning and Development Committee
(Presently Alderman McCulloch)

(d) **Urban Design Committee**

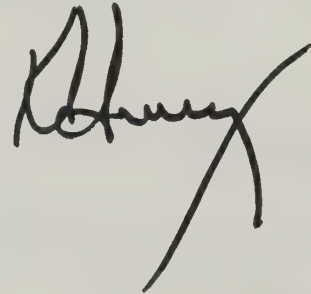
1 member of City Council from the Planning and Development Committee
(Presently Alderman Lombardo)

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The aforementioned Committees represent all of the Sub-committees of the Planning and Development Committee except for the Local Architectural Conservation Advisory Committee. Alderman McCulloch and Alderman D'Amico were appointed to the Local Architectural Conservation Advisory Committee at the Caucus meeting held 1991 November 20.

A handwritten signature in black ink, appearing to be "John Thompson", written in a cursive style.

cc: John Thompson, Manager
Legislative Division
City Clerk's Department

CITY OF HAMILTON
- RECOMMENDATION -

15

DATE: 1992 December 12

REPORT TO: C. Coutts, Secretary
Planning and Development Committee

FROM: K. E. Avery
City Clerk

SUBJECT: CITIZEN APPOINTMENTS TO VARIOUS
COMMITTEES/BOARDS/COMMISSIONS

RECOMMENDATION:

That the Planning and Development Committee take appropriate action to fill the citizen member vacancies on the following Committees/Boards/Commissions:

- (A) Business Land Use Advisory Board
- (B) Local Architectural Conservation Advisory Committee

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Attached are the letters of application for citizen appointment to the above-noted Committees/Boards/Commissions.

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A

BUSINESS LAND USE ADVISORY BOARD

2 TO BE APPOINTED
(for a term to expire 1994 November 30)

<u>COMPOSITION</u>	<u>MEMBERS WHOSE TERMS</u> <u>OF OFFICE EXPIRES</u>	<u>TERM OF OFFICE</u>
1 Council Member	Alexander Mouriopoulos	1991 November 30
2 Citizen Members	Andy Robertson	

APPLICANTS:

1. Steve Cole, 7 Everton Place, Hamilton, L8T 1E7
2. *Herbert Joseph, Apt.1 - 64 Mericourt Road, Hamilton, L8S 2N9
3. *Ramanath (Ram) Mulki Kamath, 4-125 Limeridge Rd. W., Hamilton, L9C 2V3
4. *Sergio Manchia, 59 Bluebell Crescent, Ancaster, L8K 1G3
5. *Robert Molinaro, 134 Marcella Crescent, Hamilton, L8K 6G3
6. *Edward Partito Jr., 46 Gordon Street, Hamilton, L8L 3H2
7. *Constantin (Danny) Stanidis, 172 Emerald Street N., Hamilton, L8M 5K8
8. *Chuck Sweet, 38 Questor Court, Hamilton, L8W 1P1
9. *Tony Valeri, 204 Bond Street North, Hamilton, L8S 3W9

*Denotes a person who has applied for more than one Committee.

B.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

8 TO BE APPOINTED

(for a term to expire 1994 November 30)

COMPOSITION	MEMBERS WHOSE TERM	
	OF OFFICE EXPIRES	TERM OF OFFICE
8 Citizens	Robert Brough	1991 November 30
2 Council Members	Diane Dent	1991 November 30
	Brian Henley	1991 November 30
	John Mokrycke	1991 November 30
	Jane Rigby	1991 November 30
	Gil Simmons	1991 November 30
	Reg Wheeler	1991 November 30
	Robert Rankin	1991 November 30

APPLICANTS

1. Richard B. Apted, 168 Catharine Street North, Hamilton, L8L 4S5
2. Robert Brough, 11 Dundurn Street North, Hamilton, L8R 3C8
3. Janet Black, 316 James Street South, Hamilton, L8P 3B8
4. *William J. Crawford, 169 Market Street, Hamilton, L8R 1P1
5. Diane G. Dent, 4 Bull's Lane, Hamilton, L9A 1C7
6. *Donald Robert Fawcett, 6 Romar Drive, Box 65507, Dundas, L9H 6Y6
7. J. Brian Henley, 19 Alexander Street, Hamilton, L8P 2B1
8. *Denise Lorraine, 184 Rosewood Road, Hamilton, L8K 3J4
9. *Jeffrey C. Martin, 84 Rita Avenue, Hamilton, L8W 1M5
10. John Mokrycke, 117 Mountain Park Avenue, Hamilton, L9A 1A1
11. *Edward Partito, Jr., 46 Gordon Street, Hamilton, L8L 3H2
12. *Marnie J. Piggot, Unit 45-2272 Mowat Avenue, Oakville, L6H 5L8
13. Robert Rankin, 98 Owen Place, Hamilton, L8G 2H4
14. Jane Rigby, 74 George Street, Hamilton, L8P 1C9
15. Reg Wheeler, 771 Beach Boulevard, Hamilton, L8H 6Y5
16. *I.J. Widerman, 4 Purdy Cr., Hamilton, L9A 3B3

_____ Denotes an incumbent on the Committee

* Denotes an applicant who has applied for more than one Committee

CITY OF HAMILTON
- RECOMMENDATION -

16

DATE: 1991 November 11
DA-91-06 (ZA-89-81)
Beasley Neighbourhood

REPORT TO: Charlene Coutts, Secretary of The Planning
and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

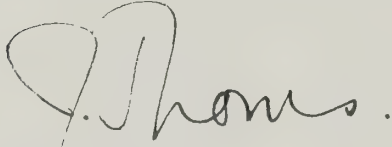
Site Plan Control Application DA-91-06 for residential complex and church offices at 130 Bay Street South.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-91-12 by St. Marks Non-Profit Housing Inc., owner, of lands known as 130 Bay Street South, for residential complex and church offices subject to the following:

- i) modification to the plan in relation to notes and dimensions as marked in red on the plan; and,
- ii) provision of the appropriate paving agreement with the Region of Hamilton-Wentworth for the construction of a handicap drop-off zone on Bay Street South;
- iii) provision of an encroachment agreement with the Region of Hamilton-Wentworth for the portion of the existing church which encroaches into the Bay Street road allowance;

- iv) provision of landscape agreements with the City of Hamilton and the Region of Hamilton-Wentworth respectively, for all landscaping proposed within the Hunter Street and Bay Street road allowance.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for a residential complex and church offices at 130 Bay Street South. The details of the development are as follows:

DEVELOPMENT:

• Net Lot Area	-	1408.5 m ²
• Building Coverage	-	448.0 m ²
• Gross Floor Area	-	5164.0 m ²
• Landscaped Area	-	502.5 m ²
• Building Height	-	32.0 m 10 storeys
• Residential Units	-	48
• Number of parking spaces provided	-	46
• Number of loading spaces	-	one (1)@ 3.7m x 9.5m x 4.3m

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering, Building Department, Traffic Department, H.S.R. and LACAC comments have been attached for information purposes.

COMMENTS:

Various modifications are required to the plan in relation to notes, and dimensions, and have been marked in red on the plans.

The Engineering and Traffic Departments have advised that their comments and concerns have been addressed on the revised plans, dated June 1991 with respect to grading and traffic circulation and/or have been made a condition of approval within the recommendation of this report.

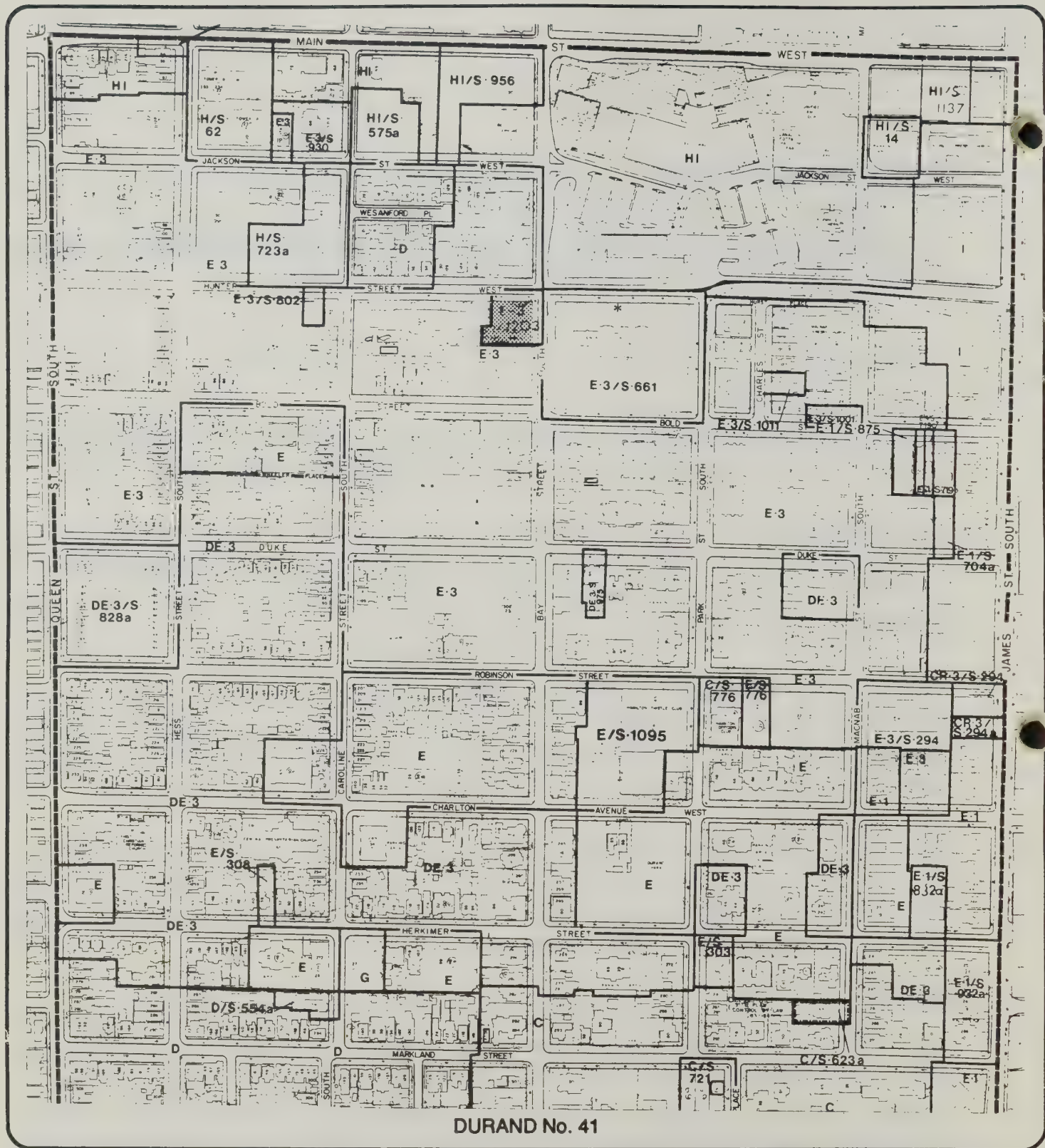
With respect to Building Department comments regarding the required 1.0 m north sideyard setback, the applicant has submitted an amendment to the O.M.B. to overcome a minor oversight in the text of the By-law as approved by the Board. The Ontario Municipal Board has recently issued its order permitting the reduced side yard as shown on the plan.

With respect to the comments made by LACAC regarding the reduction of open space, the applicant has indicated that it will be reduced by the required daylight visibility triangle and the traffic by-law. Thus, it should be noted that much of the present open space associated with the site is actually road allowance requirements.

Furthermore, the applicant has indicated that in their opinion "Gothic Revival" architecture is not appropriate for the apartment building. Metal roofing will be used because of a higher fire rating requirement. The brick of the new building will match the existing materials as much as possible. In regard to the existing vegetation, since almost the entire site will be excavated for the parking structure, no existing vegetation will be retained. However, before construction begins, an evaluation will take place to determine if transplanting any plants deemed be significant, would be feasible.

JL/ma

DA9106



DURAND No. 41

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-91-06

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
FEBRUARY, 1991

Reference File No.
DA-91-06

Drawn By
L.B.

THE REGION OF HAMILTON-WENTWORTH

MEMORANDUM

TO: J. P. Sakala
Landscape Architect
Planning and Development Department

YOUR FILE:

FROM: G. S. Aston, P. Eng. *G. S. Aston*
Acting Director of Engineering Planning
Department of Engineering

OUR FILE: E220-0402
PHONE: (416) 546-4294

SUBJECT: Site Plan Control Application
DA91-06 Southwest Corner of
Bay Street and Hunter Street
City of Hamilton

DATE: 1991 October 21

We refer to your meeting on September 26, 1991 with Mr. H. Groen of this office concerning the above-noted application. Please be advised that we have reviewed the site plans which were sent to our office on July 31, 1991 and provide the following comments:

- 1) The applicant requires a paving agreement with the Region prior to the construction of a handicap drop-off zone on Bay Street South. We note that if Bay Street is physically widened in the future, this drop-off bay may have to be removed to allow for increased pavement width.
- 2) The existing church building encroaches into the Bay Street road allowance and we advise that the applicant has made application to this Department to enter into an encroachment agreement with the Region of Hamilton-Wentworth. To date this matter has not been approved by Committee or Regional Council. For more information on items 1 and 2, the applicant should contact Mr. J. Clairmont of this office at 546-4279.
- 3) As noted previously, the 6.096 m by 6.096 m daylight triangle at the southwest corner of Bay Street and Hunter Street can be retained by the owners but this area should be graded level and should not exceed the existing sidewalk elevations within Bay Street and Hunter Street road allowances.
- 4) The concrete median extensions into the Hunter Street road allowance must be recessed to private property only.

Cont'd...

**Site Plan Control Application DA 91-06
Southwest Corner of Bay Street and Hunter Street
City of Hamilton**

Cont'd...

- 5) All landscaping within the road allowances, as shown on the plan require landscape agreements with the City and Region respectively. The maximum height of vegetation within the road allowances should not exceed 0.60 m above the corresponding perpendicular centreline elevations of Bay Street and Hunter Street.
- 6) All planter, fences, etc. are to be on private property only and all works within the adjacent road allowances must conform to the respective Streets By-Laws.
- 7) As noted in our previous comments, the 5 m x 5 m daylight triangle was to be established between the property line and the sides of the access. The plans submitted indicate that 5 m x 5 m daylight triangle is established between the access widths and the sidewalk which does not conform to our criteria. We recognize that this is impossible where the structures are placed but we recommend that the sight triangles be established as per the attached sketch. The maximum height of objects and vegetation in this area is not to exceed a height of 0.60 m above the corresponding perpendicular centreline elevation of Hunter Street and Bay Street respectively.
- 8) Comments from the City of Hamilton Traffic Department with respect to grade changes on the accesses at the property line should be considered to ensure that vehicles in this area do not "bottom out".
- 9) It is imperative that the plans be forwarded to the respective Railway Company since there is a railway tunnel underneath this section of Hunter Street and it is unclear as to the extent of the underground tunnel structure and how this development will affect it.

We apologize for our delay in responding to your request. However, the Transportation Section was not aware until our meeting of September 26, 1991 about the revised plan submission.

Should you require further information please contact Mr. H. Groen of this office at 546-4278.

HNG:kk

cc: R. Karl, City Traffic
cc: K. Brenner, Regional Engineering

THE REGION OF HAMILTON-WENTWORTH
MEMORANDUM

TO: J. Sakala
Planning and Development

FROM: K. A. Brenner
Manager of Environmental Planning
Department of Engineering

SUBJECT: Site Plan Control Application
DA-91-06 for Residential - Church
Offices at 130 Bay Street South,
Hamilton

YOUR FILE: DA-91-06

OUR FILE: E220-0402
PHONE: (416) 546-4299

DATE: 1991 September 5

GRADING AND SERVICING

The revised grading plan submitted, dated June 1991, is approved with respect to grading.

EH:kk 

31

FROM

Carl Seeg

DEPARTMENT

Building

DATE

April 29, 1991

SUBJECT

DA 91-06

130 Bay St So

John Sakala

Planning Dept

MESSAGE

Further to my comments regarding the above project please add the following.

- a) all driveways within the parking garage which serve more than 5 cars must be 5.5m (18'-0") wide.

I understand that one driveway is proposed at 3.8m on each parking level. This detail was not previously listed as both of the plans we have do not have measurements on the parking levels.

APR 30 1991

C. Seeg

JPS



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1991 August 06

Mr. A.L. Georgieff, M.C.I.P.
Director of Local Planning
Planning and Development Department

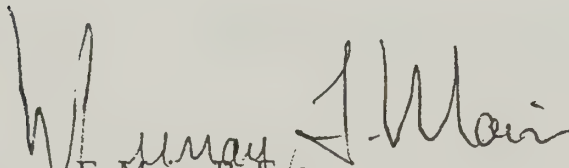
Attention: Mr. John Sakala

Dear Sir:

Re: Revised DA-91-06
130 Bay Street South

In response to your letter of 1991 March 28, please be advised that we have reviewed the revised site plan dated June 1991 for the above-noted application and find it satisfactory.

Yours truly,

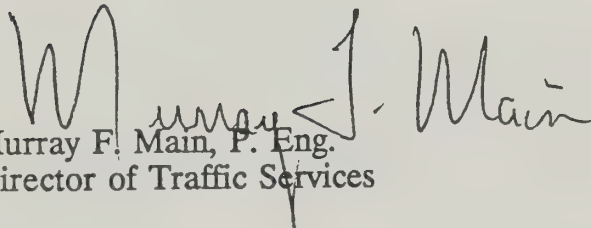

Murray F. Main, P. Eng.
Director of Traffic Services

RK/ES/ks

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
FILE NO.		AUG 14 1991	
TO	DEPT. UNIT	FILE NO.	DATE
DIRECTOR			
PLANNING			
DESIGN			
DATA			
STAFF			
CART.			
ADMIN.			

6. The applicant should be advised that the alleyway to the above ground parking is unassumed and complaints have been made about its condition.

Yours truly,


Murray F. Main, P. Eng.
Director of Traffic Services

RK/ES/ks
Attach.



January 30, 1991

Dear Mr. Georgieff :

The Hamilton Street Railway is not opposed to the above noted land use applications.

Yours truly,

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

DA-91-06 APR 05

TO	STAFF INIT.	DATE
FROM		
SUBJECT		
APPROVAL		
REVISION		
REMARKS		
DATE		
BY		
FILED		
ADMIN		

TO: A. L. Georgieff, M.C.I.P.
Director, Local Planning Division
Planning and Development Department
Attention: Mr. John Sakala

YOUR FILE:

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee
City Clerk's

OUR FILE:

PHONE: 546-3994

SUBJECT: ST. MARK'S ANGLICAN CHURCH - SITE PLAN APPLICATION
DATE: 1991 April 3

Please be advised that the Local Architectural Conservation Advisory Committee at its meeting held 1991 March 18 approved the following recommendation:

That LACAC endorse the Research Sub-Committee's comments attached hereto as Appendix A on the redevelopment plans for the property of St. Mark's Anglican Church at the corner of Bay Street South and Hunter Street West as submitted for site plan approval, and that these comments be forwarded to the Planning Department for consideration and review.

Kindly ensure that appropriate action is taken with respect to this matter.

C. Coutts

Attached

c.c. Mrs. D. Dent, Chairman
Mrs. N. Chapple, Planning Department

Comments relating to the Site Plan Application:

1. The Sub-Committee expressed concern that the extent of remaining open space would be significantly reduced by the requirements of a lay-by on Bay Street South and the site line triangle on Hunter Street West.
2. With respect to materials and detailing, the Sub-Committee recommended that:
 - a more appropriate roofing material be used on the church roof.
 - consideration be given to relating the detailing of the new building relate to the Gothic Revival design of the church.
 - in the proposed reconstruction of the nave walls, the same or matching brick be used.

Additional Comments:

The Sub-Committee also recommended that the proponents consider:

- removing and preserving the stained glass windows.
- recording the church building by means of measured drawings or photogrammetry.
- undertaking an archaeological assessment.
- inventorying the existing plant material and relocating any valuable or rare species, possibly to the Royal Botanical Gardens.

CITY OF HAMILTON

- RECOMMENDATION -

17

DATE: 1991 November 28
DA-91-50 (DA-89-71) (A-91:137)
Rymal Neighbourhood

JAN 2 1992

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner
Planning and Development Department

SUBJECT:

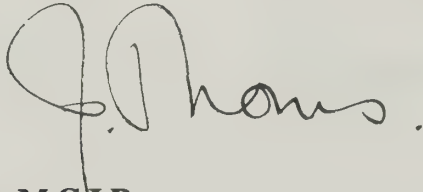
Site Plan Control Application DA-91-50 to amend approved plans of Site Plan Control Application DA-89-71 to provide a reduced setback requirement for a pylon sign at 45 Hempstead Drive.

RECOMMENDATION:

That Site Plan Control Application DA-91-50 to amend DA-89-71 by Valdi Greco, owner, of lands known as 45 Hempstead Drive, to amend approved plans of Site Plan Control Application DA-89-71 to provide a setback of 1.0 m instead of the required 5.4 m minimum from the front property line for a pylon sign, be DENIED for the following reasons:

- i) the sign has been constructed contrary to the minimum setback requirements for pylon signs within the "M" Zoning Districts of Hamilton Zoning By-law No. 6593;
- ii) the previously approved site plan under DA-89-71, allows for the appropriate placement of the proposed sign; and,

- iii) approval of the existing setback would set an undesirable precedent for future applications requesting relief from the by-law requirements after the full erection of pylon signs.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for an amendment to provide a setback of 1.0 m minimum instead of the required 5.4 m minimum from the property line for an existing pylon sign at 45 Hempstead Drive. The details of the pylon sign are as follows:

- | | | | |
|---|-------------|---|----------------------|
| • | Sign Height | - | 3.52m |
| • | Sign Width | - | 1.84m |
| • | Sign Depth | - | 0.26 |
| • | Materials | - | steel, concrete base |

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering Department has advised that the addition of the sign should not effect the approved grading plan.

The Building Department has reviewed the plans submitted and has forwarded the following comments:

- "1. The Committee of Adjustment (A-91:137) shall be final and binding to permit this ground sign/pylon sign to be setback 1.0m from the front lot line instead of the requierd 5.4m minimum setback.

2. The total aggregate area of all signs shall not exceed 40.0m²."

The Traffic Department has reviewed the plan submitted and has advised the following:

- "1. A site visit on 1991 June 11 showed the pylon sign has already been installed. While we have no objection to the placement of the sign, we do have two concerns regarding the rest of the site.
2. As a condition of approval of the previous DA-89-71 was that "Do Not Enter" signs would be posted at the north access driveway thereby making this driveway on-way eastbound due to its narrow width. This has not been done.
3. Also, the parking area, manoeuvring space and loading space behind the building is only on a gravel surface. The Zoning By-law requires the surface to be a permanent durable and dustless surface. By copy of this letter, we will be informing the Building Department of these site deficiencies and requesting that they be resolved."

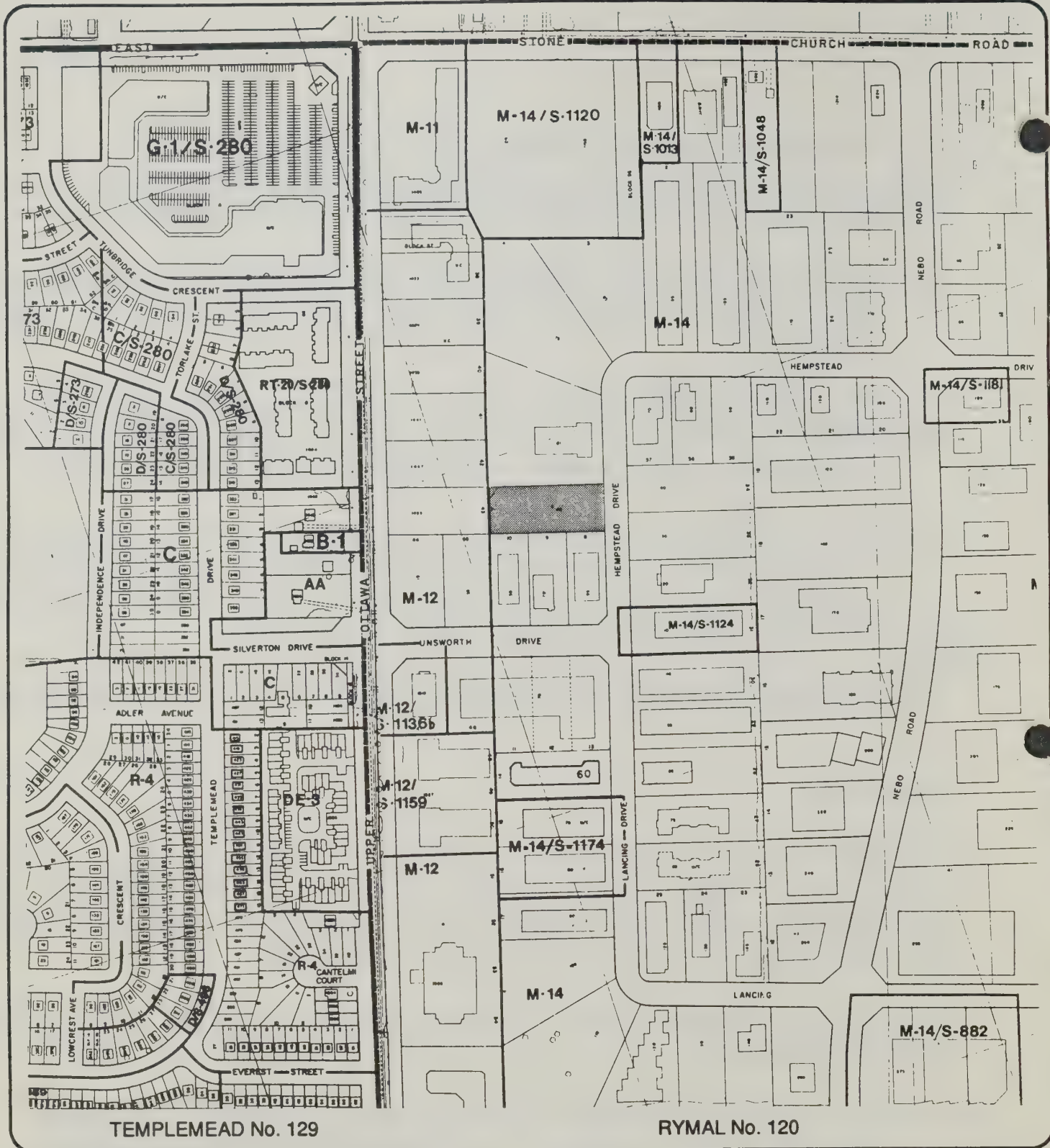
The Hamilton Street Railway has reviewed the application and is not opposed to the development.

COMMENTS:

This application cannot be supported since the location of the existing pylon sign is contrary to the minimum 5.4m setback requirement for pylon signs within the "M" - zoning district; and furthermore, approval of the proposed setback would set an undesirable precedent for future pylon sign applications requesting reduced setbacks along Hempstead Drive.

If the sign is to remain in its present location, the variance must be dealt with through the Committee of Adjustment.

JL/ma



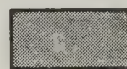
TEMPLEMEAD No. 129

RYMAL No. 120

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-91-50

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application



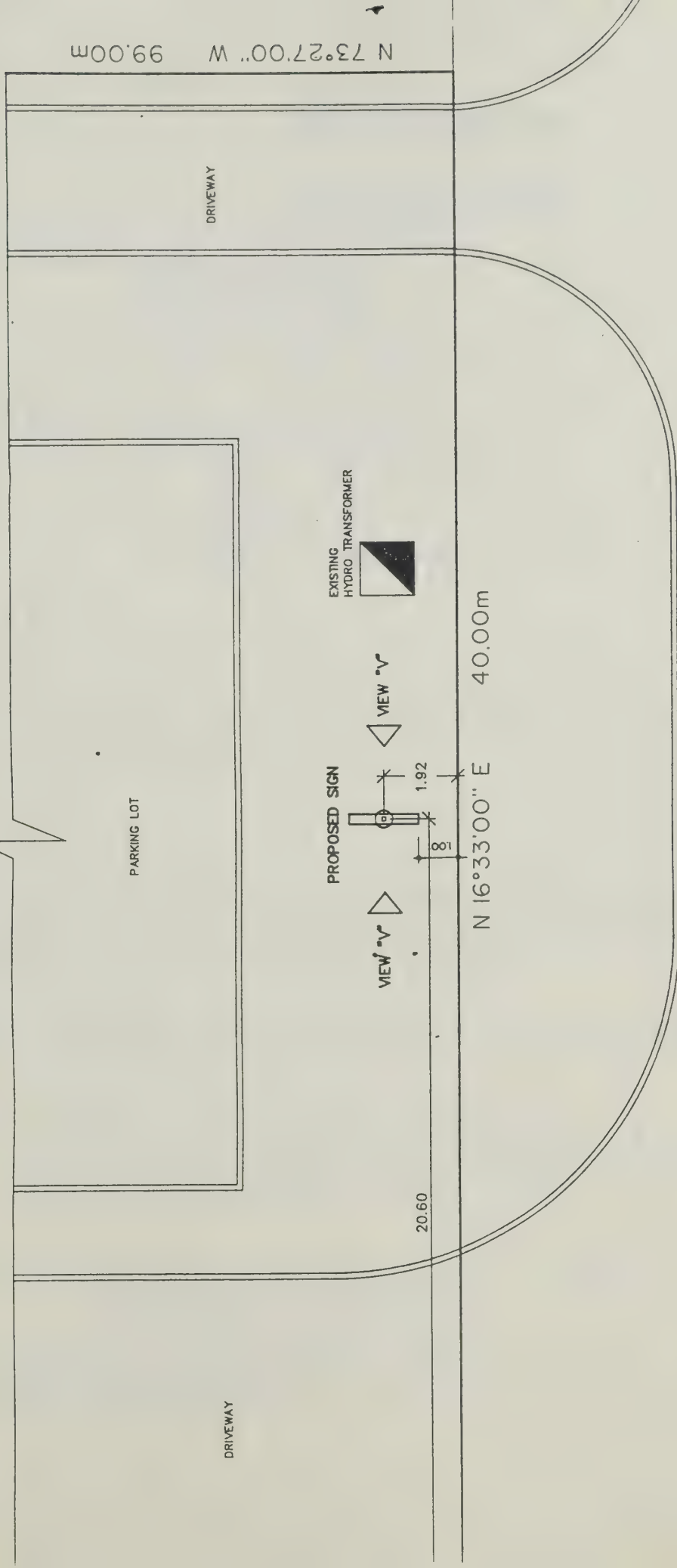
Scale
1:5000

Date
JUNE, 1991

Reference File No.
DA-91-50

Drawn By
L.B.

N LOCATION scale: 1:100



HEMPSTEAD DRIVE

VIEW "V"

SCALE 1:25

SECTION "S" - "S"

SCALE 1:25

1.84

CITY OF HAMILTON

- RECOMMENDATION -

18

DATE: November 20, 1991
DA-91-58 (ZA-89-95)
Landsdale Neighbourhood

JAN 2 1992

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Site Plan Control Application DA-91-58 for the addition of three(3) parking spaces and landscaping at 325 Wentworth Street North.

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-91-58 by Diton Construction, owner, of lands known as 325 Wentworth Street North for the addition of three(3) parking spaces and landscaping subject to the following:
 - i) modification to the plan in relation to notes, and dimensions as marked in red on the plan;
 - ii) dedication, to the Region of Hamilton-Wentworth, of a 2m x 2m daylight triangle at the intersection of Wentworth Street and Birge for future turning improvement at this intersection; and,
 - iii) submission of a revised landscape plan to the satisfaction of the Director of Local Planning and Development Department.
2. That in regard to Zoning Application ZA-89-95, the following resolution be forwarded to City Council for approval:

That Item 9 of the Sixth Report for 1991 of the Planning and Development Committee approved by City Council on 1991 April 9th, respecting Zoning Application ZA-89-95 by for property at 323 and 325 Wentworth Street North, be amended as follows:

A) amend Item 9(a)(i)(2) by adding the following statement to the end of the sentence:- "and the required manoeuvring will be located off-site."

B) add the following new clause as Item 9(a)(i)(3):

"That notwithstanding Section 18A.(14) of By-law No. 6593, one (1) parking space will be located in the required front yard and the required manoeuvring will be located off-site."

C) Add the following new clause Item 9(a)(i)(4):

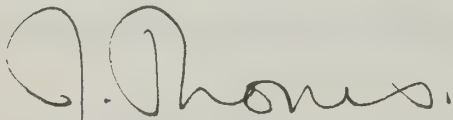
"That notwithstanding Section 18(3)(vi)(c)(i) of By-law No. 6593, the open stairway to the second level may project not more than 1.09m into the required rear yard.

EXPLANATORY NOTE:

In order to maintain as much open space on-site it is necessary to located the required manoeuvring for the two(2) required parking spaces off-site which is in keeping with parking associated with other dwellings in the area.

The parking space in the required front yard is necessary to provided one(1) additional parking space for the residential care facility. It would be an asset to the facility and add convenience for professional person(s) visiting the facility to assist the occupants.

The open stairway to the second level projects 1.09m maximum into the required rear yard. Thus, the by-law must be amended to recognize the "as built" situation, which is a minor infraction to the allowable 1.0 m projection.



J.D. Thoms, M.C.I.P.

Commissioner

Planning and Development Department



A.L. Georgieff, M.C.I.P.

Director of Local Planning

BACKGROUND:**ZA-89-95**

The Planning and Development Committee, at it's meeting held on April 3, 1991 approved the revised resolution for Zoning Application 89-95 by Diton Construction Ltd., for modifications to the established "D" District for the property at 323 and 325 Wentworth Street North. Approval of the application was conditional on the amending By-law not being forwarded for passage by City Council until such time as the applicant applied for and received site plan approval.

Proposed Plan

Plans have been submitted for the addition of three(3) parking spaces and landscaping at 325 Wentworth Street North in response to the Zoning Application, ZA-89-95. The details of the development are as follows:

- Net Lot Area - 1370.38 m²
- Gross Floor Area - existing - 944.88 m²
- No. of Units - 12
- Building Height - two(2) storey
- No. of Parking Spaces Provided - 3
- Exterior Building Materials - unchanged

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering Department has advised that as a condition of site plan approval it is recommended that a 2m X 2m daylight triangle be dedicated to the Region for future radius improvements at the intersection of Wentworth Street and Birge Avenue.

It is also recommended that the 1.8m high closed fences be setback a minimum of 3.0m from Birge Avenue and Wentworth Street streetlines.

The applicant should be aware that in the long term, a grade separation (overpass or underpass) may be constructed at Wentworth Street and the CNR mainline and access to these lands will be restricted to Birge Avenue at some future date. It is imperative that the applicant/owner be made aware of this restriction since it will mean the loss of one parking space at some future date.

The Building Department has reviewed the plans submitted and has forwarded the following comments:

- "1. The proposed zoning change, under application ZA-89-95, is to permit a residential care facility for the accommodation of not more than twelve (12) residents and provide two (2) parking spaces on site.
2. Parking spaces #1 and #2 do not provide 6.0 m wide manoeuvring space on the lot.
3. Parking space #3 is located in the required front yard which is not permitted and does not provide a manoeuvring space on the site which also shall not be located in the required front yard.
4. The rear entrance closure does not provide the minimum 7.5 m (24.61') rear yard setback."

The Traffic Department has reviewed the plan submitted and has found it to be satisfactory.

The Hamilton Street Railway is not opposed to the application.

COMMENTS:

Various modifications are required to the plan in relation to notes, and dimensions, and have been marked in red on the plans.

With respect to the Engineering Department comments the applicant/owner has agreed to modify the plans accordingly and dedicated the 2m x 2m daylight triangle to the Region.

With respect to the Building Department comments the applicant has requested the following variances:

1. to permit the required 6.0 m manoeuvring area, for the two(2) required parking spaces, to be located off-site.
2. to permit one(1) parking space to be located in the required front yard and to allow the required manoeuvring to be located off-site.

The applicant has indicated that driveway approaches will be wide enough to accommodate vehicles enter/exiting the designated parking spaces so that no additional manoeuvring would be required.

With respect to the third parking space to be located in the required front yard, it is the applicant's opinion that the third parking space would be an asset to the facility and add convenience for any professional person(s) that may be required to assist the occupants.

With respect Building Department comments regarding the "rear entrance enclosure" a on-site visit revealed that it would be better described as a "uncovered porch". Since the zoning by-law allows porches of this nature to project into the required rear yard, the rear yard requirement has not been infringed upon. However, the open staircas does project more than the allowable 1.0 m maximum into the required rear yard. Thus, the pending by-law must be amended to recognize the "as built" situation of a 1.09 m maximum project. This variance is considered to be a minor infraction to the by-law requirement.

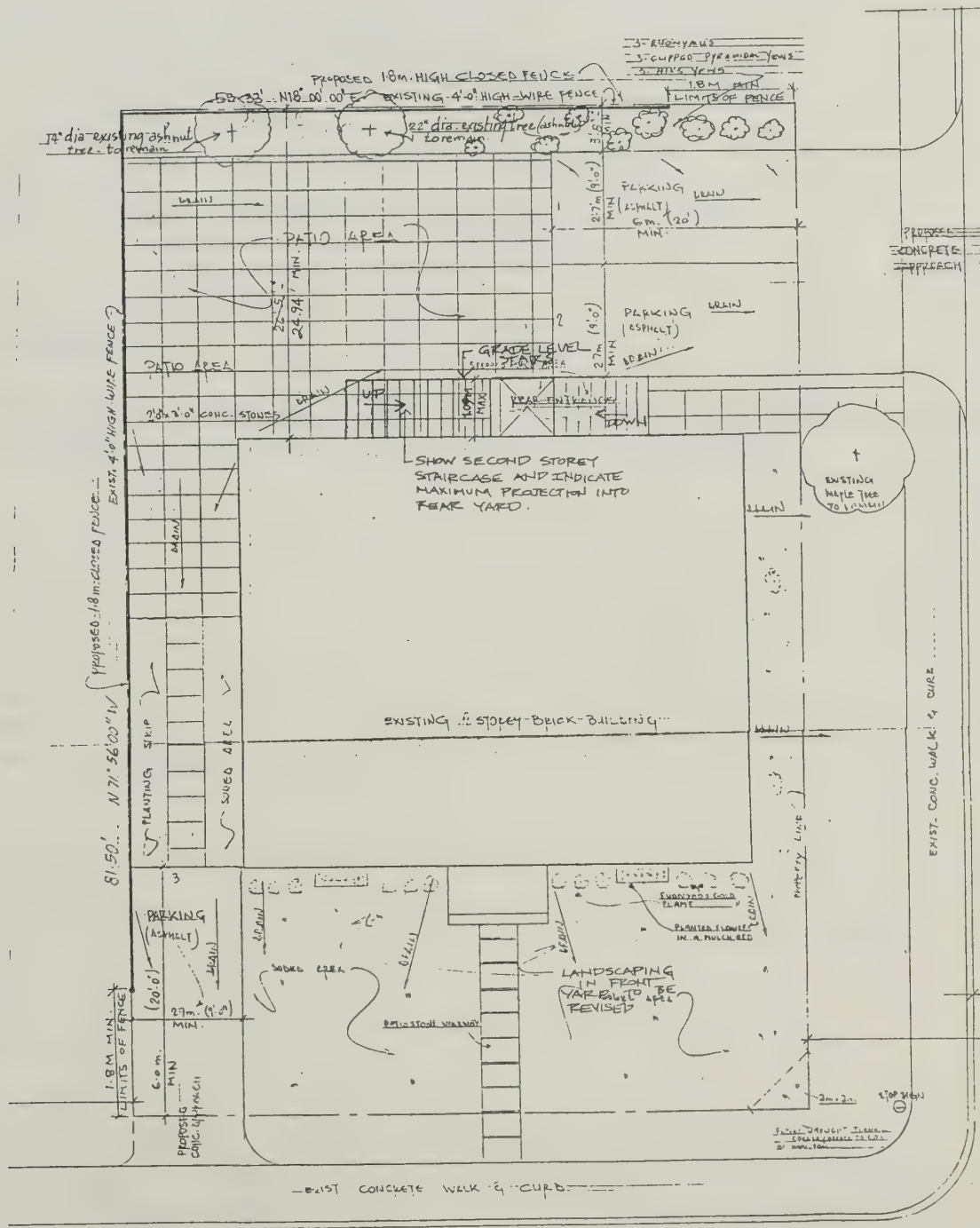
Thus, the variances are considered to be minor in nature, and it is therefore recommended that the previously approved resolution (Item 9.(a)(i) 6 R.P.D.C.) be appropriately amended to incorporate the foregoing variances.

Furthermore, the proposed landscape treatment could be improved by the introduction of a additional shrub varieties along the front foundation wall and additional deciduous trees within the front yard.

A revised landscape treatment should therefore be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

INDUSTRIAL SECTOR "B" No. 70





A. NOTES ON SITE

1. All work to be done in accordance with the City of Toronto Engineering Department.
2. The site is to be developed in accordance with the City of Toronto Engineering Department.
3. The site is to be developed in accordance with the City of Toronto Engineering Department.
4. The site is to be developed in accordance with the City of Toronto Engineering Department.
5. The site is to be developed in accordance with the City of Toronto Engineering Department.

Page 1 of 1

19

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 December 23
P5-2-69

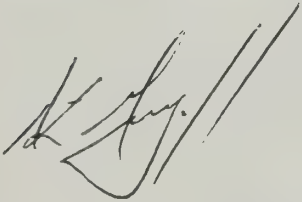
REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

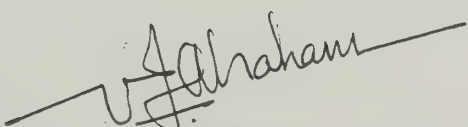
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: *Future Capital Budget - 1997 - Residential Enclaves*

RECOMMENDATION:

That the attached budgetary proposal be referred to the Finance and Administration Committee for their consideration for inclusion in the Future Capital Budget for 1997.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

\$2,000,000 to be placed in the Future Capital Budget as Enclaves Clearance - Phase 2 to start in 1997.

BACKGROUND:

In 1986 the Planning and Development Committee approved the original 1986-1990 budget for the Residential Enclaves. This included the demolition of residential properties in the Alpha, Leeds, Biggar and Stapleton enclaves and sale of land for industrial use. This capital budget project provided \$750,000 each year for 1987, 1988, 1989 and 1990, for a total of \$3,000,000.

In June 1989, City Council approved the expropriation of 15 properties in the Alpha West enclave (west of Sherman Ave. North). Of these, only three properties are pending final closing.

In December 1989, City Council endorsed a resolution to place the acquisition program for the enclaves (Alpha East, Leeds, Biggar and Stapleton) on hold. However, the remaining properties in Alpha West (west of Sherman Ave. North) are to be acquired under the current acquisition program. In March, 1990, the Planning and Development Committee directed staff to undertake a comprehensive study to review all the enclaves to determine their long term land use and implementation strategies, notwithstanding the original mandate for the acquisition program.

This study is currently underway and it is anticipated that it will be completed in mid-1992. Until the study has been completed, it would be premature to delete the enclave acquisition program entirely from the Capital Budget program.

SUMMARY AND CONCLUSION:

On the basis of the foregoing, it would be appropriate to place \$2,000,000 in the Future Capital budget at this time for 1997 pending the outcome of the study.

C.F.:ns
1997B

cc John Thompson, Secretary, Finance and Administration Committee

FUTURE CAPITAL BUDGET SCHEDULED TO BE STARTED 1997-2001

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. PROJECT NAME: Enclaves Clearance - Phase 2
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Removal of inadequate housing and creation of industrial land through a revolving fund already established.
4. (a) PROJECT STARTING (Year of O.M.B. approval)
DATE (MONTH-YEAR): 1997
- (b) PROJECT FINISHING DATE (MONTH-YEAR): 1997
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 2,000,000.00
- (b) LESS SUBSIDIES AND OTHER RECEIPTS (Specify): \$ _____
- (c) NET CITY'S COST: \$ 2,000,000.00
- (d) ANNUAL CAPITAL FINANCING COST: \$ _____
- (e) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____
- (f) NATURE OF FINANCING: _____
6. (a) YEAR OF EXPENDITURE - 1997 \$ 2,000,000.00*
- 1998 \$ _____
- 1999 \$ _____
- 2000 \$ _____
- 2001 \$ _____
- 2002 & after \$ _____
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: _____
8. ADDITIONAL ANNUAL OPERATING COST: \$ _____
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Image of the City not improved, inadequate housing remains, industrial land not created, tax base not increased.

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No ☐Yes ☒
 - AT CITY'S COST OF \$ _____
 - SCHEDULED TO START IN THE YEAR 1997

[Signature]
 Signature of Department Head/Local
 Board Manager
 (for Standing Committee)

[Signature]
 Signature of C.A.O.
 (for Finance & Administration
 Committee)

91.10.18

Date

Date

*Pending completion of Enclaves Review Study

21

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 2
ZA-91-47
Confederation Park "A" Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 100
Confederation Drive.

RECOMMENDATION:

That approval be given to amended Zoning Application 91-47, Hamilton Region Conservation Authority, owner, requesting a modification to the established "AA" (Agricultural) District regulations, to permit the establishment of a penny arcade containing not more than thirty machines only within the existing building (forming part of the Adventure Village Complex), for part of the property located at No. 100 Confederation Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 7A(1) of By-law No. 6593, the following accessory commercial use shall be permitted only within the existing building:
 - 1. a penny arcade having a maximum of thirty machines.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-101 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-101 for presentation to City Council;

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

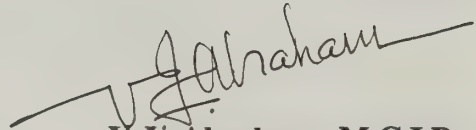
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "AA" (Agricultural) District regulations for part of the property located at No. 100 Confederation Drive, as shown on the attached map.

The effect of the By-law is to permit a penny arcade having a maximum of thirty machines as an accessory commercial use only within the existing building forming part of the Adventure Village Complex.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Hamilton Region Conservation Authority owns the subject lands which are part of the Adventure Village Complex and are currently used as a miniature golf course. The Conservation Authority also owns the adjoining lands whose use is the Wild Waterworks Complex. The Conservation Authority is intending to establish, within the existing building, a Games Room (a penny arcade containing not more than thirty video machines) that will be incorporated into the overall recreation and entertainment use of their lands.

APPLICANT:

Hamilton Region Conservation Authority, owner.

LOT SIZE AND AREA:

The subject property is irregular in shape and has:

- 33.913 m (111.26 feet) of lot frontage on Nash Road; and,

- 1.173 ha (2.9 acres) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	miniature golf course	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District, modified
to the south	Hydro Electric Power Corridor	"AA" (Agricultural) District
to the west	single-family dwellings	"AA" (Agricultural) District
to the east	Wild Waterworks	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "OPEN SPACE" on Schedule "A" - Land Use Concept. The following policies should be noted:

- "A.2.4.1 The primary uses permitted in areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses, horticultural nurseries, forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).
- A.2.4.2 The following uses may be permitted in OPEN SPACE area: Limited Commercial Uses which are ancillary to and support the primary OPEN SPACE use; and all other uses which, in the opinion of Council, complement and do not interfere with the primary intended use of the area."

The proposal, to establish a penny arcade with thirty games, is an ancillary use to the OPEN SPACE designation and thus does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

A neighbourhood plan for Confederation Park "A" Neighbourhood is not available.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:
 - Economic Development Department;
 - Ministry of Natural Resources;
 - Traffic Department;
 - Ontario Hydro; and,
 - CN Rail.
- The Building Department has advised that:

"The proposed use is illegal for the "AA" zone."
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and sanitary sewers available to service these lands. There are no storm sewers available.

In the absence of any details shown, we advise that any works within the Confederation Drive road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

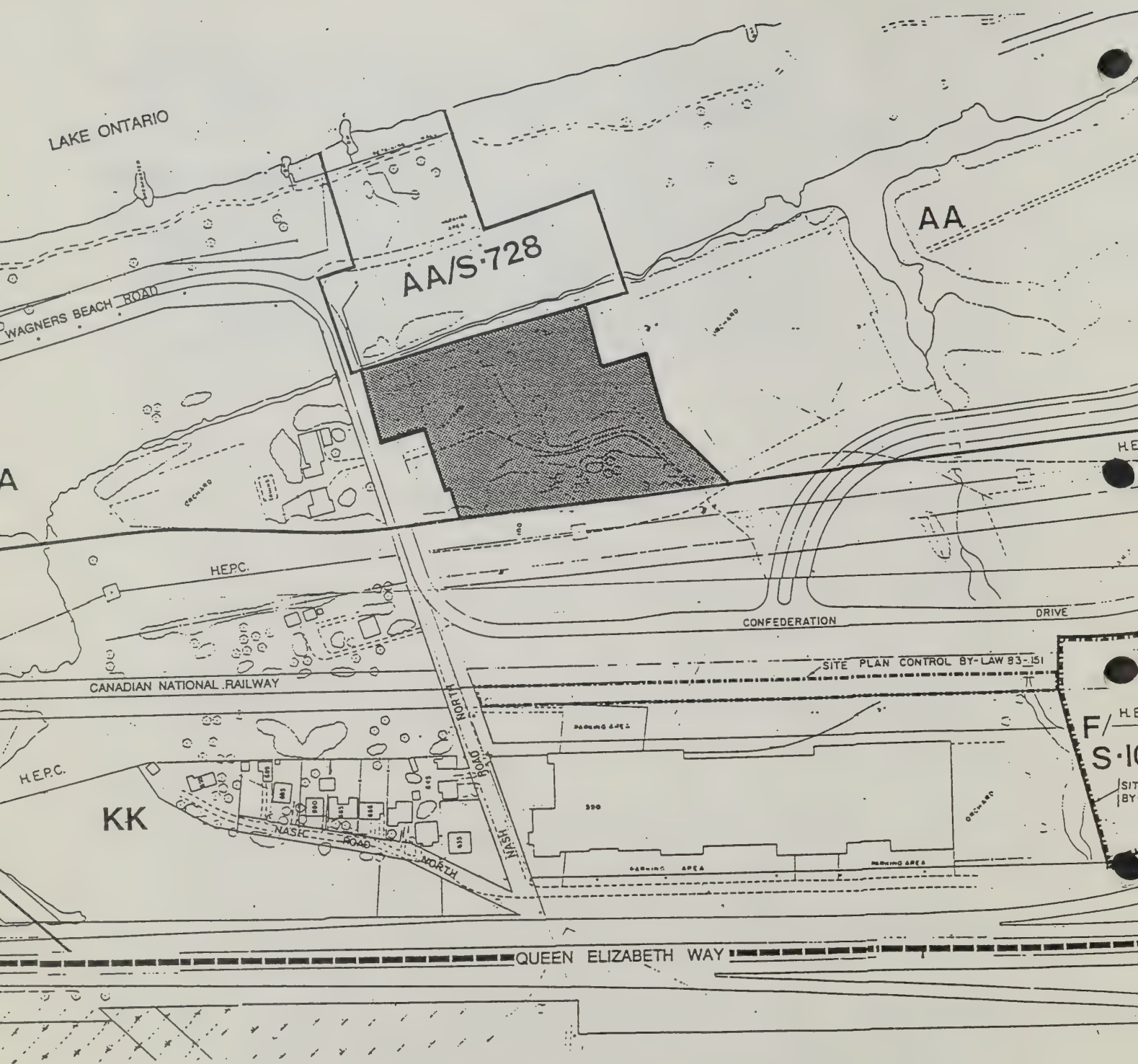
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it would be compatible with and complement the existing recreational uses (Golf World, Wild Waterworks) in the area;
 - ii) the proposed arcade would satisfy Council's adopted policy respecting criteria used to evaluate the merits of applications to permit penny arcades in the "I" (Central Business) District, which policy is no less feasible in evaluating the merits of this application. In this regard, the proposal would satisfy the following provisions of the policy:
 - a) the proposed arcade would be located within a building which serves a primary use catering to entertainment and recreation (miniature golf). In addition, the proposed use would be compatible with other uses on adjoining lands owned by the applicant (Wild Waterworks);

- b) the penny arcade use is to be located entirely within the existing building and would cater to clients using the other facilities owned and operated by the applicant on the site; and,
- c) it is situated in excess of the minimum 1,000 foot distance separation required between the arcade and any school. Further, the Confederation Park "A" Neighbourhood is intended to function solely as a recreational neighbourhood with limited low-density residential uses. There are no schools in this neighbourhood or the adjoining Confederation Park "B" Neighbourhood. The usually anticipated spillover effects from a penny arcade should be negated due to the location of the arcade and the existing character of the neighbourhood.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

MLT:ma
WPZA9147



Legend



Site of the Application



22

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 2, 1992
ZA-91-49
Centremount Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT:

Request for an Official Plan Amendment, a change and modification in zoning - No. 623 Upper James Street.

RECOMMENDATIONS:

1. That approval be given to Official Plan Amendment No. requesting a site specific redesignation from "COMMERCIAL" to "RESIDENTIAL", for property municipally known as No 623 Upper James Street, and the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to Zoning Application 91-49, Kingdom Properties Inc., prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs, etc.) District, modified for Block "1" and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "2", to permit the development of the subject lands for a five storey, 34 unit apartment building, for property located at No. 623 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
 - i) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs, etc.) District;
 - ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

- a) That notwithstanding Section 11.(2)(ii), the maximum building height shall not exceed 5 storeys;
 - b) That notwithstanding Section 11.(3)(ii)(b), a minimum 3.4 m northerly side yard shall be provided and maintained;
 - c) That notwithstanding Section 11.(3)(ii)(b), a minimum 3.0 m southerly side yard shall be provided and maintained;
 - d) That notwithstanding Section 11.(5), a maximum of 34 dwelling units shall be permitted;
 - e) That notwithstanding Section 11.(6), a minimum of 575 m² of landscaped area shall be provided and maintained;
 - f) That notwithstanding Section 18A(1), a minimum of 41 parking spaces shall be provided and maintained.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-7 be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-7 for presentation to City Council;
 - v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
3. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of site plans for Blocks "1" and "2".

EXPLANATORY NOTE:

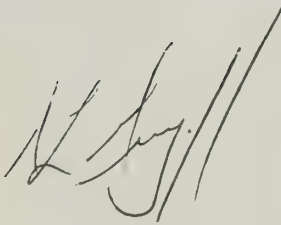
- 1. City Council will adopt Official Plan Amendment No. for a site specific redesignation (Block "1") from "COMMERCIAL" to "RESIDENTIAL", for property municipally known as No. 623 Upper James Street.
- 2. The purpose of the By-law is to provide for a change and modification in zoning for the subject lands, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - Block "1" - Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, and;

Block "2" - Modification to the E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

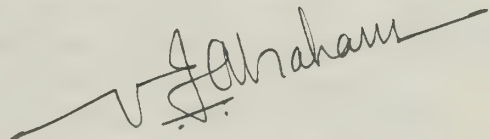
The effect of the By-law is to permit the development of the subject lands for a 5 storey, 34 unit apartment building.

In addition, the By-law provides for the following variances as special requirements:

- to restrict the building to a maximum of 34 dwelling units and 5 storeys in height;
- to permit a minimum 3.4 m northerly side yard whereas 10.92 m is required;
- to permit a minimum 3.0 m southerly side yard whereas 6.42 m is required;
- to permit a minimum 575 m² landscaped area whereas 598 m² is required; and,
- to permit 41 parking spaces instead of the required 43.



for J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has applied to construct a 5 storey apartment building containing 34 units (9 - 1 bedrooms and 25 - 2 bedrooms). Due to the bedrock in the area, the first level of the building will be raised partially above grade to permit parking to be provided at grade. The applicant intends to provide 41 parking spaces.

- Neighbourhood Meeting

On July 24, 1991, a meeting was held to discuss this rezoning application. In attendance were the Ward Aldermen, a staff member from the Planning and Development Department, and residents of the area. The residents' concerns included retention of mature trees, the massing of the building, and the location of the air conditioning ventilation system. The residents also requested that they be involved during the site plan process as this is the appropriate time to have their concerns addressed.

- Zoning Application 90-84

The applicant applied for this rezoning to construct a 5 storey apartment building containing 34 units (9 - 1 bedrooms and 25 - 2 bedrooms), with 41 parking spaces provided on site. The application was withdrawn by the applicant on February 13, 1991.

LOT SIZE AND AREA:

The subject lands are irregular in shape having:

- 38.04 m (124.8 ft.) of lot frontage on Upper James Street;
- 38 m (124.7 ft.) to 78.8 m (258.5 ft.) of lot depth; and,
- 2,395.1 m² (25,781.4 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	townhouses, commercial	"DE-3" (Multiple Dwellings) District and "H" (Community Shopping and Commercial, etc.) District
to the south	apartment buildings	"H" (Community Shopping and Commercial, etc.) District

to the east	townhouses	"DE-3" (Multiple Dwellings) District
to the west	commercial uses	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" (Block "1") and "RESIDENTIAL" (Block "2") on Schedule "A". The following policies apply, among others:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - c) satisfy the provisions of Subsections A.2.1 and C.7.
- A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement

those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

Based on Policy A.2.2.1, Block "1" does not comply with the intent of the Plan since there is no Neighbourhood Plan for the area. Accordingly, a site specific redesignation from "COMMERCIAL" to "RESIDENTIAL" is required. The proposal to rezone Block "2" complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

A Neighbourhood Plan is not available for the Centremount Neighbourhood.

COMMENTS RECEIVED:

- The following agency has no objections:

- Hamilton Region Conservation Authority.

- The Building Department has advised that:

"1. The proposed development requires the following:

(a)	Front Yard	3.88 m
(b)	Side Yard northerly	10.92 m (windows and balcony)
(c)	Side Yard easterly	6.88 m (windows and balcony)
(d)	Side Yard southerly	6.42 m (no windows or balcony)
(e)	Rear Yard	3.00 m (no windows or balcony)
(f)	Building Height	8 storeys
(g)	Gross Floor Area	4071.6 m ²
(h)	Landscaped Area	598.8 m ²
(i)	Parking Spaces	43
(j)	Loading Spaces	1 (3.7 m x 18.0 m x 4.3 m)

2. It appears that the proposed development does not provide sufficient northerly and southerly side yards, landscaped area and parking spaces.

3. Between the parking area and the residential district to north and east, there shall be a 1.5 m wide planting strip and a visual barrier along the easterly and northerly lot lines."

- The Traffic Department has advised that:

"We have reviewed the revised site plan for the above-noted application and find it to be satisfactory but do have the following two comments.

We will support a variance to reduce the number of required parking spaces by two.

We recommend that the north-east corner of the transformer room illustrated on the preliminary site plan be angled as shown on the attached plan to improve driver visibility and manoeuvring when entering and exiting the parking area."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

For the Committee's information, the second floor overhang as scaled and the 4.3 m height for the loading space do not coincide and this should be resolved.

The existing road allowance width of Upper James Street is 20.12 m adjacent to the subject lands. However, this section of Upper James Street between Fennell Avenue and the Claremont Access is under review, and the results of the road widening study have not been completed nor received Committee or Regional Council approval.

In addition, the minimum setback of 4.5 m from the existing Upper James Street road allowance for all structures, above ground and below ground, signs, etc. should be sufficient in order that the ability of the Region to acquire these lands for the future widening of Upper James Street will not be encumbered. Any works within the Upper James Street road allowance must conform to the Region's Road Use By-law.

We recommend that these lands be developed through site plan control and more grading detail comments, landscaping and daylight vision triangle comments will be made at that time. We also recommend 5 m x 5 m daylight triangles between the access and the widened road allowance limits of Upper James Street and this requirement should be considered in the preparation of site plans etc.

The alley adjacent to the subject lands which leads to Brucedale Avenue is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the lands from the public unassumed alley."

COMMENTS:

1. The proposal to rezone Block "2" complies with the intent of the Official Plan. However, the proposal to rezone Block "1" does not comply with the intent of the Official Plan. A site specific redesignation from "COMMERCIAL" to "RESIDENTIAL" is required for Block "1".
2. The proposal has merit and can be supported for the following reasons:
 - a) it is located on a major arterial road where higher density uses are preferably located;

- b) it is compatible with the surrounding development including two apartment buildings to the south; and,
- c) it is located in close proximity to shopping facilities, public transit, and other amenities.

3. The Building Department has advised that the following variances are required:

- Side Yards [Section 11 3(ii)(b)]

Under the "E" District regulations, the following side yards are required:

<u>Yard Requirements</u>	<u>Required</u>	<u>Proposed</u>
northerly side yard	10.92 m	3.4 m
southerly side yard	6.42 m	3.0 m

The proposed building is "L" shaped to fit into the irregularly shaped lot. The side yard calculations are based on the length of the building multiplied by the height. Generally, the length is less than the width. However, in this case the length far exceeds the width and as a result, inordinately wide side yards are required.

The northerly side yard is adjacent to a one storey commercial building and the southerly side yard abuts an apartment building. In fact, the southerly yard varies from 3.0 m to 7.0 m along the entire southerly lot line. Furthermore, the face of the building does not have windows. Therefore, it is not anticipated that there will be any intrusive effects on the adjoining properties due to the proposed placement of the building on the lot.

Given the above, the variance to both the northerly and southerly side yards can be supported.

- Landscaping and Buffering

The "E" District regulations require that 25% of the lot area (598 m²) be landscaped whereas the applicant is proposing that 24% (575 m²) of the lot area be landscaped. The reduction is minor in nature and can be supported.

- Parking Requirements

Based on the parking requirements, 43 spaces are required (34 units x 1.25 parking spaces) whereas the applicant proposes to provide 41 spaces. The Traffic Department has advised that the reduction of 2 spaces is considered minor in nature and can be supported.

- Additional Restrictions

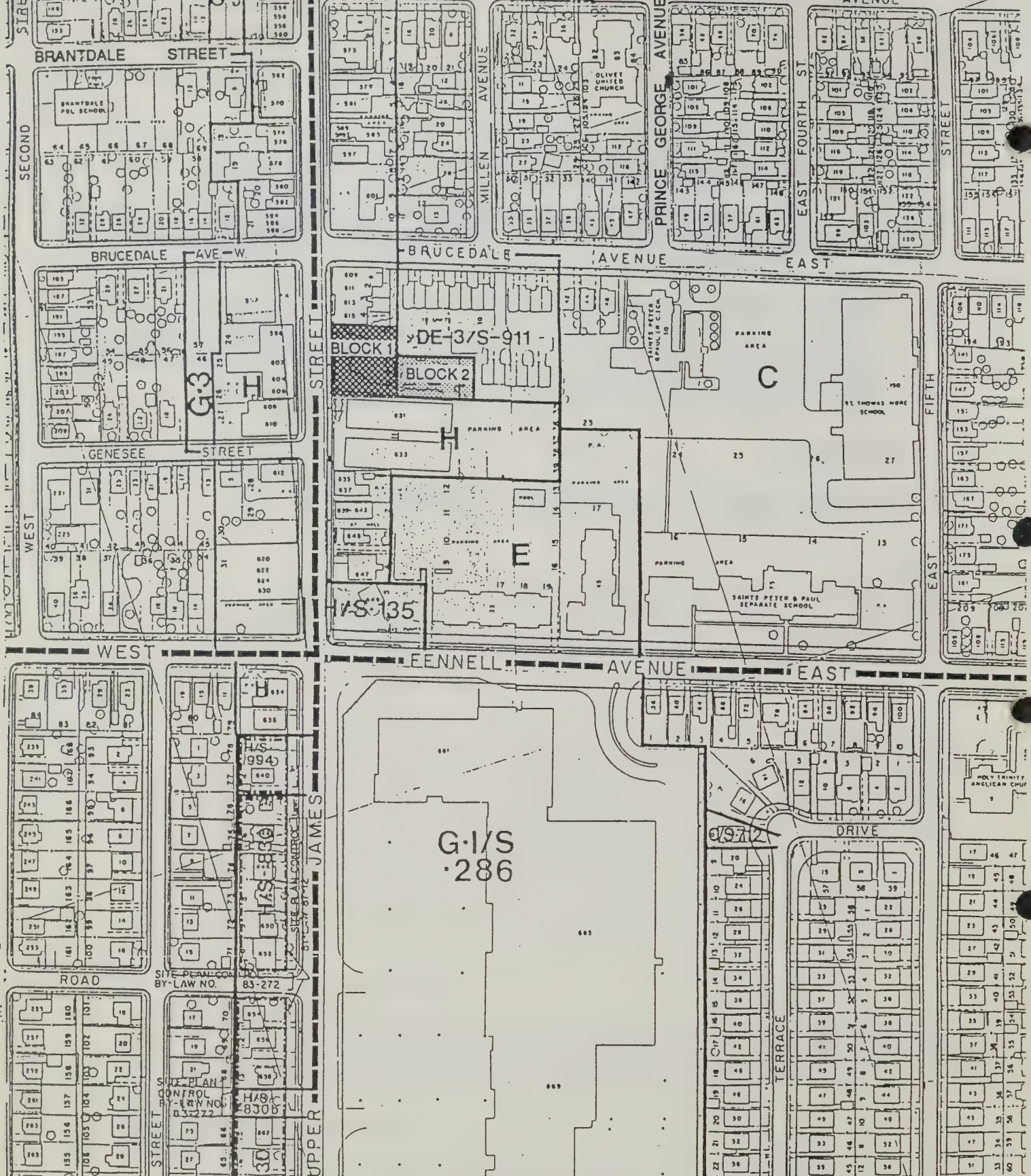
Given the nature of the development and the adjacent uses, it would be appropriate to limit the height to 5 storeys and the maximum number of units to 34, as proposed.

4. The "E" District regulations are subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. As there are outstanding concerns from the Engineering Department and the area residents, it would be appropriate to hold the amending By-law in abeyance pending approval of the site plans.



CONCLUSION:

Based on the foregoing, the application can be supported.

MLT/ma
WPZA9149



Legend

- BLOCK 1  Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.
- BLOCK 2  Modification to the "E" (Multiple Dwellings, Lodges, Clubs etc.) District.

2A 91-44

CITY OF HAMILTON
- RECOMMENDATION -

23

DATE: 1992 January 2
ZA-91-50
Beasley Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification to zoning - No. 95 Mary Street.

RECOMMENDATION:

- A. That approval be given to Zoning Application 91-50 Ritlyn Investments Ltd., owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District regulations, to permit a parking lot in conjunction with the Wilson Medical Centre at No. 136 Wilson Street, for property located at No. 95 Mary Street, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - 1. That notwithstanding Section 10.(1) of By-Law No. 6593 a parking lot shall be permitted only accessory to the use of land located at Nos. 118-136 Wilson Street, subject to the following conditions;
 - a) That no vehicular access to or egress from Wilson Street shall be permitted;
 - b) That a minimum 1.5m wide planting strip shall be provided and maintained along the northerly lot line, the westerly lot line, within the City owned boulevard lands to the south and east, and the easterly lot line, except for that portion required for a driveway access onto Mary Street;
 - c) That a visual barrier not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the northerly and westerly lot lines;

- ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-4 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-4 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That the amending By-Law not be forwarded for passage by City Council until such time as the applicant has:

- i) applied for and received approval of a commercial boulevard parking agreement with the City respecting the Wilson Street road allowance; and,
- ii) applied for and received site plan approval including the adjacent City owned lands, and registers the site plan on title.

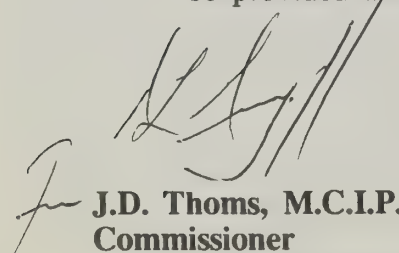
EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a modification to the "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District regulations for property located at No. 95 Mary Street, as shown on the attached map.

The effect of the By-Law is to permit a parking lot to be used in conjunction with the Wilson Medical Centre located at Nos. 118-136 Wilson Street.

In addition, the By-Law provides for the following variances as special requirements:

- To prohibit vehicular access to or egress from Wilson Street;
- To require a minimum 1.5m wide planting strip to be provided and maintained along the northerly lot line, the westerly lot line, within the City owned boulevard lands to the south and east, and the easterly lot line, except for that portion required for a driveway access onto Mary Street;
- To require a visual barrier not less than 1.2m and not more than 2.0m in height to be provided and maintained along the northerly and westerly lot lines.


J.D. Thoms, M.C.I.P.
 Commissioner
 Planning and Development


V. J. Abraham, M.C.I.P.
 Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to provide for a modification to the established "D" (Urban Protected Residential - One and Two-family Dwellings, Townhouses, etc.) District regulations to permit a parking lot to be established in conjunction with the Wilson Medical Centre located at No. 136 Wilson Street. The applicant has prepared a preliminary sketch (see APPENDIX "B") showing the proposed layout of the parking spaces.

- Order to Comply

On July 25, 1991 the Building Department issued an Order to Comply regarding the illegal use of a parking lot within a "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District (see APPENDIX "C").

APPLICANT:

Ritlyn Investments Ltd., owner.

LOT SIZE AND AREA:

- 8.74m (28.6 ft.) of lot frontage on Mary Street;
- 25.75m (84.5 ft.) of lot flankage on Wilson Street; and,
- 224.94m² (2,421.32 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	frame garage	"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District

Surrounding Lands

to the north	single-family and two-family dwellings	"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District
to the south	parking lot	"J" (Light and Limited Heavy Industry) District
to the east	parking lot and a park	"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District
to the west	single-family dwelling	"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule A - Land Use Concept, and are also located within "SPECIAL POLICY AREA 3" of the Official Plan. The following policies would apply, among others:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Section A.2.2 of this Plan;...
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.
- A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule 'B' will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1 (ii);

- ii) Council will encourage the relocation of non-residential uses from predominately stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows".

The proposal would not conflict with the intent of the Official Plan provided the impacts of the proposed parking area can be effectively mitigated by means such as landscaping and buffering, as set out in Policy A.2.9.3.1.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Beasley Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation of the subject lands to "COMMERCIAL". However, taking into consideration the proposed use and the long term objectives of the Neighbourhood Plan, redesignation is not recommended.

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. A parking lot is not permitted in a "D" residential district.
2. The sketch submitted does not indicate the size of the parking spaces, manoeuvring space, location of access driveway or the size of the existing garage.
3. It is recommended that the lands being used for parking, be accessory to the use of 118-136 Wilson Street.
4. This Department issued an Order to Comply for the use of the land as a parking lot, which is not permitted (attached)."

- The Traffic Department has advised that:

"This design does not provide enough on-site manoeuvring space. There is only 2.7 m (8.9 ft.) for manoeuvring whereas 6.0m (19.69 ft.) is required. It is our understanding that the lot is currently used as a parking area because city owned lands to the south are being used as part of the manoeuvring area. It is only through the use of this property that the proposed use becomes viable.

We recommend that the applicant legalize the usage of the city property by applying for a commercial boulevard parking agreement. Alternatively, the applicant could investigate the possibility of purchasing this piece of property.

By combining the properties, it is possible to park 7 to 9 cars and provide the 5 foot landscaping strip along the north and west property lines as per the Planning Department's request.

Although this design meets all the requirements, we suggest that the planting area be located on the south side of the property. The visual barrier would remain along the north and west property lines and the parking spaces would be moved southward toward the landscaped strip. This would allow the approach to be located further north away from intersection. We feel that the planting area would be more beneficial located on the south/east section of the property as it would be seen by more people and would be visually pleasing to passing motorists. A landscaped area in this location would also co-ordinate with the proposed beautification of Beasley Park located across the street. This parking layout is shown on the attached plan.(See Appendix "D")

In conclusion, we recommend that the application be approved only on the condition that the adjacent property be legally included and the combined site is placed under site plan control."

- The Hamilton Wentworth Engineering Department has advised that;

"There are public watermain and combined storm and sanitary sewers available to service these lands.

The owner should be advised of a possible future road allowance widening at the west limit of the subject lands on Wilson Street as shown on the attached plan.

It appears from our records that there is a board fence within the Wilson Street road allowance. This fence encroachment is contrary to the Region's roads Use By-Law and remains at the sole risk of the owner.

In order to ensure that this lot functions properly, we recommend that this site be developed through site plan control. The board fence which encroaches into the Wilson Street road allowance shown on our plans in front of the lands to the west may require removal from the road allowance in order to provide adequate sight distances and this may be a condition of site plan and access approval."

- The Hamilton Region Conservation Authority and GO Transit have no comments or objections.

COMMENTS:

1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Beasley Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE" Residential use. Approval of the application would require redesignation of the subject lands to "COMMERCIAL". However, taking into consideration the proposed use, and the long term objectives of the Neighbourhood Plan, redesignation is not recommended.
3. The application has merit and can be supported for the following reasons:
 - i) the proposal represents an interim type use which would not prejudice the future intended use of the site for "Single and Double Residential" development;
 - ii) it will provide an opportunity to clean up and improve the appearance of the site which is presently unkempt; and,
 - iii) it would be compatible with surrounding land uses including parking lots located on both the north east and south east corners of Wilson and Mary Streets.

However, given the limited site area and restricted on-site manoeuvring space, it would be appropriate for the applicant to legalize the useage of the adjoining City owned property by applying for a commercial boulevard parking agreement as recommended by the Traffic Department.

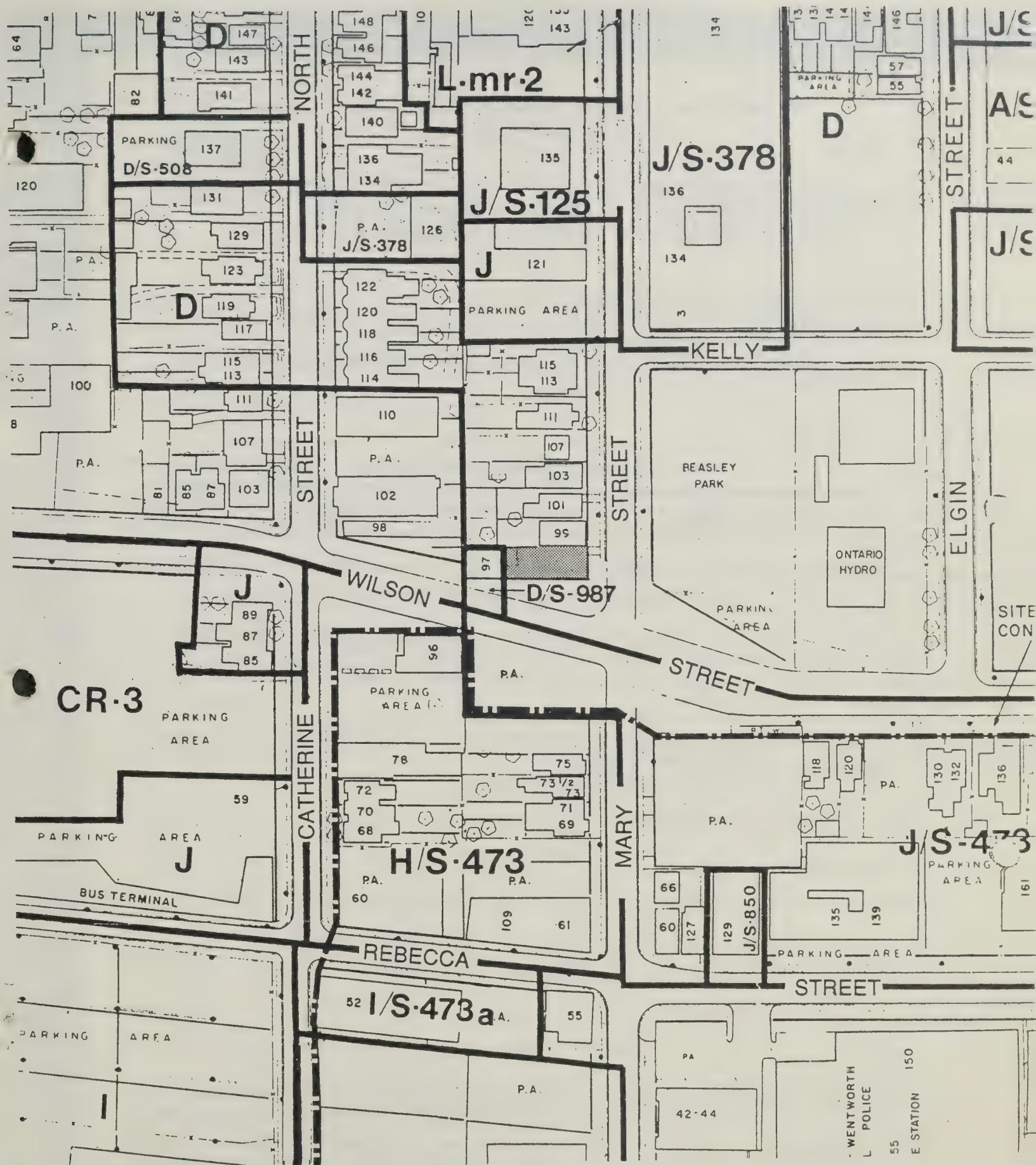
4. The subject lands are located immediately adjacent to residential development to the north and west. Accordingly, in order to mitigate spill-over effects of the parking lot and to improve the streetscape, a minimum 1.5m wide planting strip should be provided and maintained along the northerly lot line, the westerly lot line, within the City owned boulevard lands to the south and east, and the easterly lot line, except for that area required for a driveway access onto Mary Street. In addition, it is suggested that vehicular access be prohibited to Wilson Street, and that a minimum 1.2 m to 2.0 m high visual barrier be provided and maintained along the northerly and westerly lot lines.
5. As a parking lot does not require a building permit, it is suggested that the amending By-Law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval, including the adjoining City owned lands, and registers the site plan on title. Furthermore, the applicant should be required to enter into a commercial boulevard parking agreement with the City respecting the Wilson Street road allowance.

6. The Building Department has recommended that the lands being used for parking, be accessory to the use of Nos. 118 to 136 Wilson Street as indicated by the applicant.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
ZA9150



Legend



Site of the Application



Monday October 28, 1991

Mr. Glenn Whitehouse
Planning and Development Department

re: Application for zoning ammendment for 95 Mary St.
File #: ZA-91-50

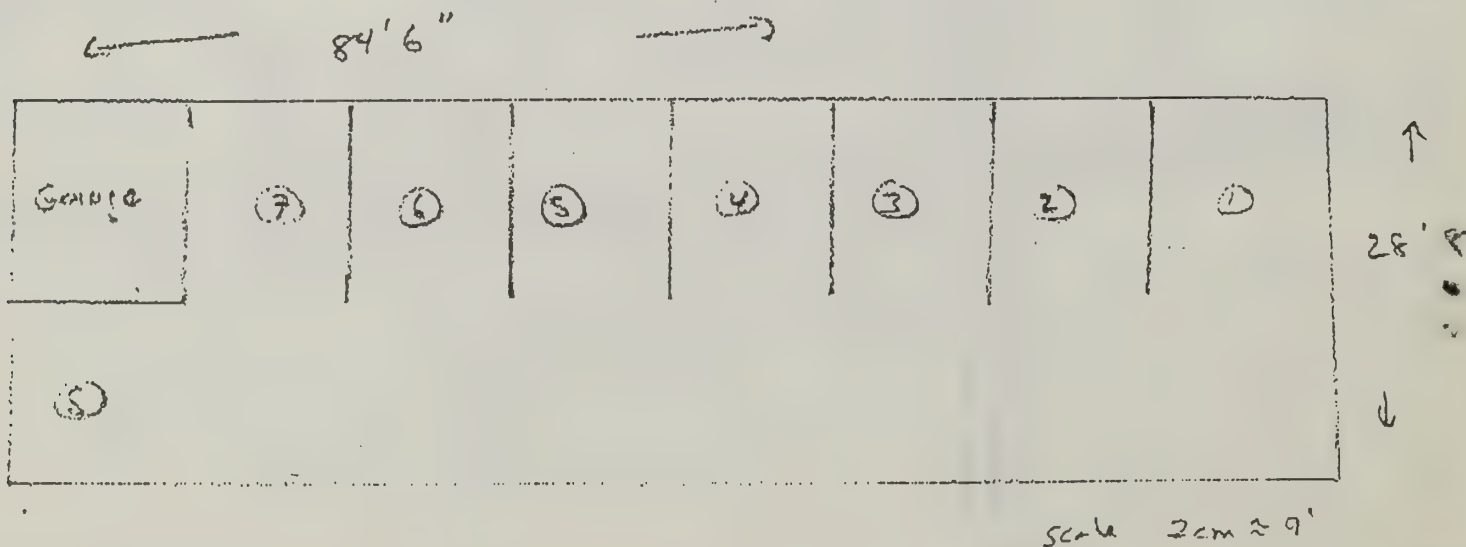
Dear Mr. Whitehouse,

In response to our recent telephone conversation, the parking at 95 Mary St. should be considered additional parking. There are 42 parking spaces available from 118 to 136 Wilson St. These parking spaces are for the use of staff and patients of the Wilson Medical Centre. There is no charge for parking.

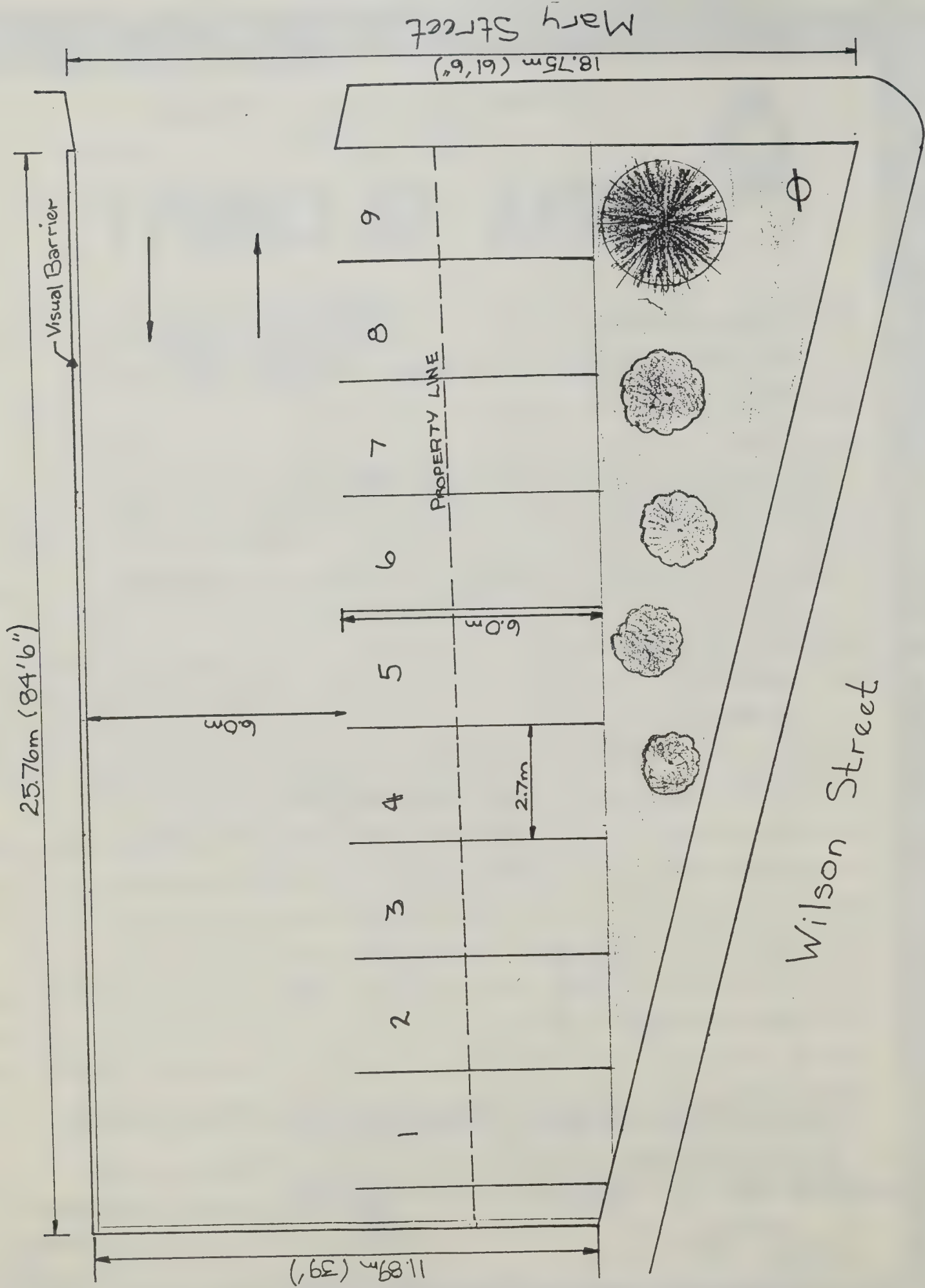
Ritlyn Investments also owns the parking lot at 65 Mary St. This is for public parking. It is not associated with the Wilson Medical Clinic.

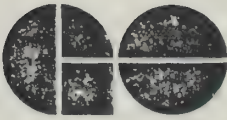
Parking at 95 Mary St. is to be used for staff parking. There are currently 8 physicians and 30 support staff at the clinic. The additional staff parking will permit us to increase the number of parking spaces available to our growing number of patients.

Below is a sketch of the proposed parking lot at 95 Mary St. I estimate there will be 8 parking spaces available.



Sincerely
Bill Shapiro Pres.





1120 Finch Avenue West
Toronto (Downsview), Ontario
Canada
M3J 3J8

GO Transit

(416) 665-9211 Fax (416) 665-9006

18 December 1991

23a

The Corporation of
the City of Hamilton
Planning & Development Committee
City Hall
Hamilton, Ontario
L8N 3T4

Dear Sir:

Subject: File 91-50
Modification to the D District Regulations
No. 95 Mary Street

We have reviewed the captioned documents and have no concerns with the proposed land use changes at this time.

Thank you for the opportunity to be involved in the land development evaluation process.

Yours truly,

for A.P. Robinson
Manager, Project Development

APR\fp

24

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992, January 2
ZA-91-53
(Ainslie Wood North)

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a Change and Modification in Zoning -
Lands on the west side of Cootes Drive, north of Main
Street West.

RECOMMENDATIONS:

- 1) That approval be given to amended Zoning Application 91-53, Kids Care Oncology Central West, prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2", to permit the development of the subject lands for a three storey "Ronald McDonald House" (Kids Oncology Centre), for the lands on the west side of Cootes Drive, north of Main Street West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
 - i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - ii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 14(1) of Zoning By-law No. 6593, the following residential uses shall be permitted within the same building:
 - 1) a lodging house not for gain with separate cooking facilities having a maximum of 15 lodging rooms; and,
 - 2) one accessory Class "A" dwelling unit.

APPLICANT:

Kids Care Oncology Central West (Ronald McDonald House), prospective owner.

LOT SIZE AND AREA:

The lot is irregular in shape having:

- 42.8 m (140.4 ft) of frontage on Main Street West;
- 35.6 m (116.8 ft) of lot depth; and,
- 2,046 m² (22,023.7 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant lands	"C" (Urban Protected Residential, etc.) District "H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant land	"C" (Urban Protected Residential, etc.) District
to the south	gas station	"H" (Community Shopping Commercial, etc.) District
to the west	single family dwellings and commercial	"C" (Urban Protected Residential, etc.) District "H" (Community Shopping Commercial, etc.) District
to the east	McMaster University and a high school	"U" (University) District Modified

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A"- Land Use Concept. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding 0.4 ha designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and /or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and
 - d) satisfy the provisions of Subsections A.2.1 and C.7.
- A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Subsection.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "UTILITIES" on the approved Ainslie Wood North Neighbourhood Plan. Approval of the application would require a redesignation to "LOW DENSITY APARTMENTS".

RESULTS OF CIRCULARIZATION:

- The following Agency and Department have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Real Estate Department.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. All works within the road allowance must conform to the Hamilton-Wentworth Region Roads By-law.

We recommend that the subject lands be developed either through site plan control or that this development approval be subject to the owner submitting site plans, grading plans and landscaped plans to the satisfaction of the Commissioner of Transportation/Environmental Services."

- The Traffic Department has advised that:

"Although we have no objection to change in zoning, we recommend the site be placed under site plan control.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location (i.e. poles, fire hydrants, trees, etc.)

We have received copies of the revised plan for the Ronald McDonald House and find them satisfactory."

- The Hamilton-Wentworth Social Services Department has advised that:

"We support the development of Kids Care Oncology Central West (Ronald McDonald House) on the above site. Such a facility is needed to complement the Children's Hospital at M.U.M.C.; the proximity of this House to the hospital is very convenient for those who will use it.

The use of this site for this purpose should have no negative social impact upon the neighbourhood."

- The Building Department has advised that:

- "1. This Department has established that this use is a "lodging house not for gain" and is not recognized under the zoning regulations. Furthermore, no separate cooking facilities are permitted.
2. There are no dwelling units adjoining this lot or on the same side of the street between the two intersecting streets, therefore, a self contained single family dwelling unit is not permitted.
3. The actual number of persons that are to be accommodated in the rooms shall be verified so as to determine the minimum parking spaces at a ratio of one parking space for each two persons and one parking space for the dwelling unit.
4. Main Street West lot line is considered the front lot line.
5. A three storey residential building shall provide minimum 2.7 m side yards and 7.5 m rear yard. The easterly side yard and rear yard are insufficient.
6. The revised site plan show a 1.3 m rear yard and the attached letter indicates a 1.0 m rear yard. Please verify.
7. No elevations have been submitted to determine if the eaves and gutters encroach more than permitted into the yards or the actual building height.

8. A portion of the parking area adjoins a residential district and shall provide a 1.5 m wide landscaped planting strip and a visual barrier.
9. The land title of each parcel of land shall be under one deed."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not comply with the approved Ainslie Wood North Neighbourhood Plan. A redesignation from "Utilities" to "Low Density Apartments" would be required.
3. The proposal has merit and can be supported for the following reasons:
 - i) the proposed Ronald McDonald House is suitably located at the intersection of two major arterial roads (Main Street West and Cootes Drive) and is in close proximity to the Children's Hospital at McMaster University Medical Centre (M.U.M.C.);
 - ii) the proposed use is compatible with existing development in the area which consists of low density residential development, public and commercial uses;
 - iii) it is located in close proximity to support services such as public transit, shopping areas, churches, etc.; and,
 - iv) the proposed facility is in the public interest in that it will benefit the greater Hamilton community including surrounding municipalities such as Brantford, Niagara, etc.
4. The Building Department indicated that three variances are required:
 - to exempt the development from the provision of a visual barrier and minimum 1.5 m wide landscaped strip for that portion of the parking area that abuts a residential district;
 - to permit a rear yard setback of 1.0 m instead of the required 7.5 m; and,
 - to permit an easterly side yard of 1.5 m instead of the required 2.7 m.

The visual barrier and the landscaped strip are intended to provide buffering and screening for abutting residential uses. On this site, only a very small portion of the parking area abuts a residential district; the majority of the site abuts a commercial district to the west. Furthermore, the parking area is separated from existing residential development by the C.P. railway corridor. On this basis, this variance can be supported.

The variances to the rear and side yard setbacks can be supported, since the building will be abutting vacant, Regionally owned lands to the north and the future bicycle path to the east. In addition, there are site constraints resulting from an existing water pipeline easement which restrict both the building area and the location of the building.

5. The lands are not subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. However, it would be appropriate to place the lands under Site Plan Control so that the concerns of the both the Engineering and Traffic Departments (i.e. grading, access, etc.) can be satisfied.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

JHE/ma



Legend



Change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified.

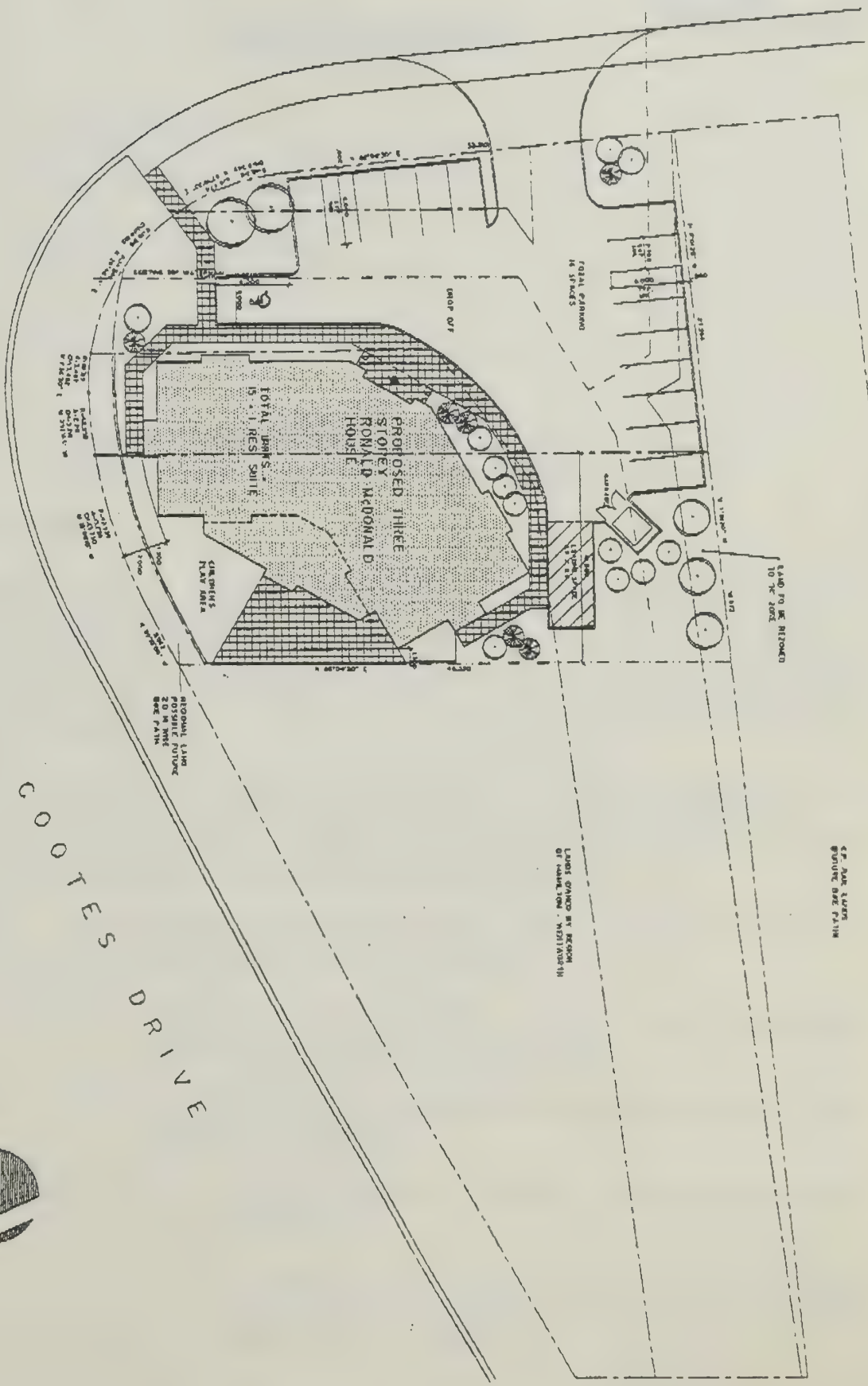


Modification to the "H" (Community Shopping and Commercial, etc.) District.



APPENDIX A

RONALD McDONALD HOUSE
ALTERNATIVE NO. 1



25

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 2
ZA-91-56
Ryckmans Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification in zoning - lands on the east side of Upper James Street , south of Regina Drive.

RECOMMENDATION:

1. That approval be given to Zoning Application ZA-91-56, 943937 ONTARIO INC. (J. LeCluse), prospective owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit two car dealerships, including accessory auto body and paint shops, for lands located on the east side of Upper James Street, south of Regina Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593 as amended by By-law Nos. 90-145 and 88-135, applicable to the subject lands, be further modified to include the following variances as special provisions:
 1. That notwithstanding subsection 13(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - 1.1 New and used car dealerships, including ancillary automobile body/fender repair shops and paint shops.
 - 1.2 A business identification sign that is a ground sign, subject to the following requirements:
 - a. Not more than one sign shall be permitted for each car dealership.
 - b. An area of vertical projection of not more than 0.1 m² per 0.3 m of street frontage per car dealership on Upper James Street, shall be permitted.

- c. A height of at least 3.0 m shall be provided from the ground to the bottom of the sign.
 - d. The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary.
 - e. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
 - 2. That notwithstanding subsection 13(3) of Zoning By-law No. 6593, a column and trellis structure shall be provided and maintained at the northwest corner of the property on the following basis:
 - 2.1 Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0m from each end thereof along the northerly and westerly lot line.
 - 2.2 Said structure shall be setback a minimum of 6.0m from the property line(s).
 - 3. That a minimum 3.0m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
 - 3.1 For any area used for vehicular access.
 - 3.2 That a minimum 6.0m wide landscaped strip shall be provided and maintained adjacent to the daylight corner.
 - ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1069b, and that the subject lands on Zoning District Map E-9D be notated S-1069b;
 - iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
 - iv) That the proposed modification in zoning is in compliance with the Official Plan for the Hamilton Planning Area.
- B. That the amending by-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan incorporating the "Urban Design Guidelines for Upper James Street Corridor", and which is registered on title.

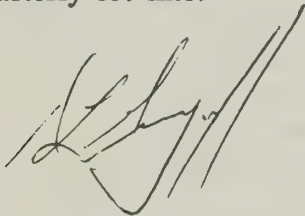
EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations for lands on the east side of Upper James Street and south of Regina Drive, as shown on the attached map marked as APPENDIX "A".

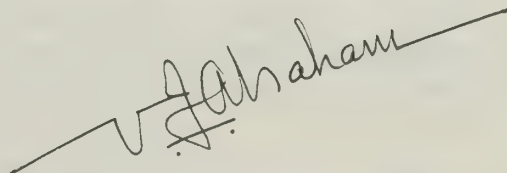
The effect of the by-law is to permit the development of the subject lands for two (2) car dealerships, including accessory auto body and paint shops. In addition, the by-law provides for the following variances as special provisions:

- to require the provision of a column and trellis structure at the northwest corner of the property which is to be setback a minimum of 6.0 m from the property line(s), and is to be parallel to the daylight triangle and extend a minimum of 15.0 m from each end thereof;
- to require a minimum 3.0 m wide landscaped strip to be provided and maintained along the northerly and westerly lot lines, except for any area used for vehicular access and a minimum 6.0 m wide landscaped strip is to be provided and maintained adjacent to the daylight corner;
- to permit one ground (pylon) sign for each car dealership, whereas none are permitted.

It should be noted that in accordance with the current zoning regulations no vehicular access is permitted along the easterly lot line, and a 1.8 m - 2.0 m high visual barrier contained within a minimum 9.1m wide landscaped strip is to be provided and maintained along the easterly lot line.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

- Land Division Committee Application H-81-91

At its meeting of October 1, 1991, the Land Division Committee approved an application to sever the applicant's total holdings into two 4 acre lots fronting onto Upper James Street (see APPENDIX "B"). The application was approved on, among others, the condition that the applicant:

"Dedicate to the City sufficient land for roadway and daylight triangle purposes to the satisfaction of the Regional Engineering Department."

To date, this condition has not been fulfilled.

- By-law No. 88-135

The purpose of the by-law was to provide for changes in zoning for lands at Nos. 1489 to 1545 Upper James Street (see APPENDIX "C"). The effect of the by-law is to permit the development of Block "1" for single-family detached dwellings and Blocks "2", "3", "4", "5" and "6" for a shopping plaza and a 100 room motel. In addition, the by-law varied the "G" District regulations to permit the following additional uses:

Commercial Uses

Liquor store
Brewers' Retail Store
Commercial School
Medical, dental clinics/offices
An adult entertainment parlour

Residential Use

A motel

APPLICANT:

943937 Ontario Inc. (J. LeCluse), prospective owner.

LOT SIZE AND AREA:

- 114.7m (375 ft.) of frontage on Upper James Street;
- 156.6 m (513.8 ft.) of frontage of Regina Drive; and,
- approximately 1.6 ha (4 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwellings	"G" (Neighbourhood Shopping Centre, etc.) District, modified
<u>Surrounding Lands</u>		
to the north and east	Vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Residential and Commercial	"G" (Neighbourhood Shopping Centre, etc.) District, modified
to the west	Residential and commercial	"C" (Urban Protected Residential, etc.) District and "G-1" (Designed Shopping Centre) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept and are within "SPECIAL POLICY AREA 31b" on Schedule "B" of the Official Plan. The following policies, among others, would apply:

- "2.2.1 The primary uses permitted in areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- 2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- 2.2.16 While it is intended that any Commercial use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic

consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway Commercial uses.

2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;...

2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

- ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
 - b) in AREA "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18; and,
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage;..."

The proposal would not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Ryckman's Neighbourhood Plan. The proposal would not conflict with the intent of the Plan.

URBAN DESIGN GUIDELINES - UPPER JAMES STREET CORRIDOR:

The northern portion of the subject lands are designated "Neighbourhood Commercial" and the southern portion "Commercial and Retail Warehouse" in the "Urban Design Plan - Upper James Street Corridor".

The "Neighbourhood Commercial" area is to be developed in the form of several small plazas, one located at each corner of the mid-block collector. It is intended that unique design features will serve as landmarks, such as gateways, archways or decorative walls at the entrance of the neighbourhood.

For the "Retail/Warehouse Areas", a landscaped strip at least 3.05m (10 feet) wide is to be located adjacent to the Upper James Street road allowance and establishments are to be located along a uniform mandatory building line, or front yard setback, approximately 24.39m (80 feet) from the road allowance. In keeping with the approved Neighbourhood Plan, a 9.1m (30 foot) landscape strip is to be provided along the rear lot line.

RESULTS OF CIRCULARIZATION:

- The Traffic Department has advised as follows:

"...we have reviewed the above-noted application and find the proposed zoning satisfactory. The applicant should be advised that the Upper James Street access to the Honda Dealership will be restricted to right in/right out only. The Upper James Street access to the southerly auto dealership will be restricted to right and left in/right out only. Roadway improvements will be required on Upper James Street. The applicant should be advised that the Region may assess the cost of roadway improvements to the developer."

- The Hamilton-Wentworth Department of Engineering has advised that:

"There are both public watermain and separate storm and sanitary sewers available to service these lands. Servicing, road costs, etc. have previously been dealt with under modified service agreements.

For your information the necessary road widenings have been requested under severance application H-81-91 and the site plan submitted by the applicant must be revised to reflect the required widenings.

In the absence of any details shown on the submitted plans, we advise that any works within the adjacent road allowances, as widened, must conform to the respective Streets By-laws.

We understand that the applicant has had previous meetings with staff of the City of Hamilton Traffic Department. Since our comments on the Land Division Committee Application, the Region has advertised the proposed road works on Upper James Street from Rymal Road to Stone Church Road and has passed a road alteration By-law on November 5, 1991 approving these road works. In order that traffic flow through this section of Upper James Street is maximized and traffic conflicts minimized, we may require that as a condition of access approval that the applicant/owner enter into an Access Agreement with the Region to provide for the construction of left turn lanes and concrete median islands on Upper James Street. The cost sharing and financial responsibility for these road works will be determined at such time as the applicant/owner enters into an Access Agreement with the Region. The applicant should be advised that costs for this construction will be assessed back to the owner/applicant. The applicant/owner may wish to attend this office to discuss these plans with our staff.

We recommend that these lands be developed through site plan control."

- The Hamilton Region Conservation Authority has no objection.
- The Building Department has advised that:

"1. The following uses are not permitted in a "G" zoning district:

- a. the storing, buying and selling of new and used cars
- b. motor repair
- c. body and fender repair including paint shop
- d. ground sign

- 2. The column and trellis structure does not provide the minimum required 12.0m setback from the front street line of Upper James Street.
- 3. The landscaped strip along the easterly lot line shall be 9.1m wide with a visual barrier of 1.8m to 2.0m height within the landscaped strip."

COMMENTS:

- 1. The proposal would not conflict with the intent of the Official Plan or the approved Ryckman's Neighbourhood Plan.
- 2. The application has merit and can be supported for the following reasons:
 - the proposed car dealerships are no less feasible than other uses permitted as-of-right under the current zoning on the subject lands (e.g. public parking lot, storage garage, motel, adult entertainment parlour);

- the proposed auto body and paint shops are uses normally ancillary to modern car dealerships;
- the proposal is in keeping with the intent of the Official Plan, in that the "Extended Commercial" designation provides for larger scaled "Highway" Commercial uses requiring large open storage areas, such as automotive sales.

3. In keeping with the intent of the "Urban Design Guidelines for Upper James Street Corridor", the applicant has proposed to provide a landscaped strip with a column and trellis structure at the northwest corner of the site (see APPENDIX "D"). The purpose of this design feature is to simulate the intended shape of a mid-block plaza. Accordingly, special provisions should be included in the by-law to establish the general form of the structure and associated landscaping, which will be detailed at the site plan approval stage of development. Other design elements such as building setbacks from Upper James Street will also be addressed.

In accordance with By-law No. 88-135, the following special provisions are also applicable to the subject lands:

- a 1.8 m - 2.0 m high visual barrier contained in a minimum 9.1m landscaped strip is to be provided and maintained along the easterly lot line; and
- no access driveway is permitted along the easterly lot line.

On the basis of the preliminary site plan (see APPENDIX "E"), two pylon signs, one for each dealership, are proposed. Since pylon signs are not permitted in the "G" District a special modification is required. It is suggested that the following special provisions should apply:

- not more than one sign shall be permitted per dealership;
- an area of vertical projection of not more than 0.1 m² per 0.3 m of street frontage on Upper James Street shall be permitted;
- a height of at least 3.0 m shall be provided from the ground to the bottom of the sign;
- the supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary;
- no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

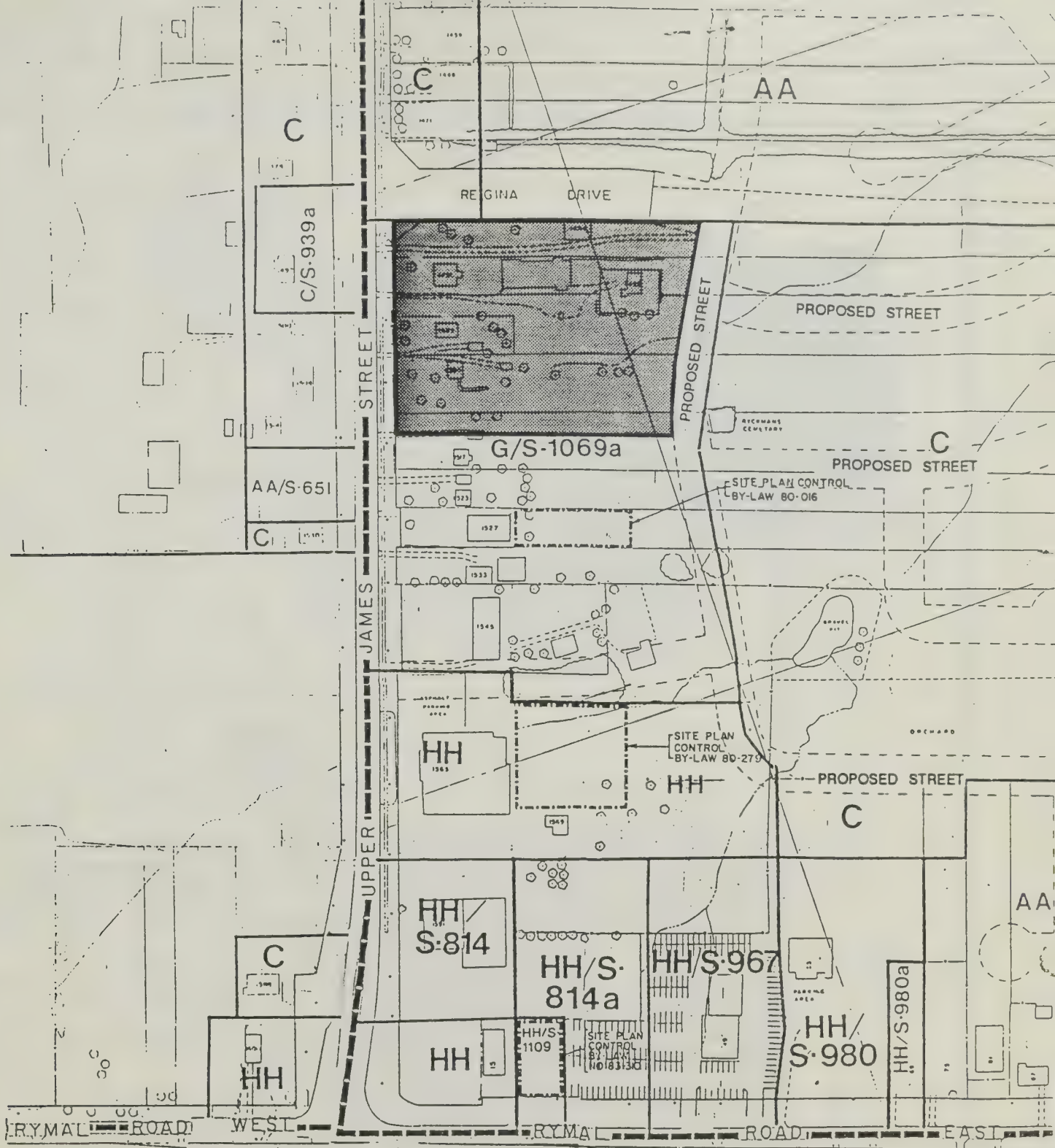
These provisions are consistent with the requirements for pylon signs in an "HH" District which permits highway commercial type uses such as automotive dealerships.

4. The "G" District is subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. As there are outstanding concerns from the Traffic and Engineering Departments, as well as design details, it would be appropriate to hold the amending by-law in abeyance pending approval of site plans which should be registered on title.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

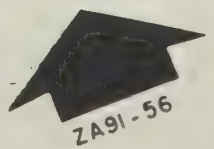
PDM/ma
ZA9156



Legend

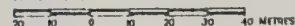


Site of the Application

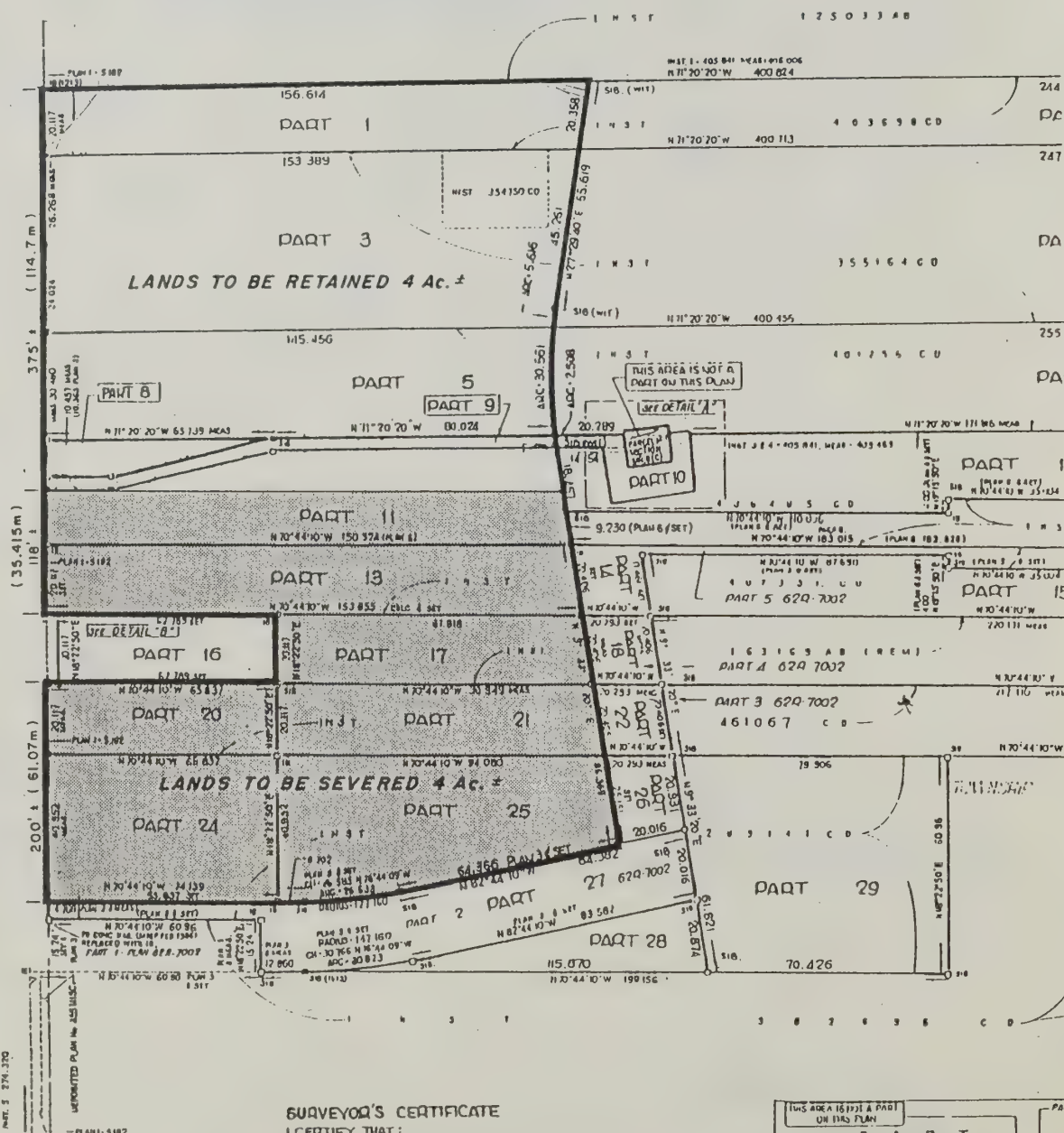


STONE CHURCH ROAD 2000 ALLOWANCE BETWEEN CONCESSIONS 7 AM 8

SCALE 1:1000



J DAVID PETERS OLS
1988



SURVEYOR'S CERTIFICATE

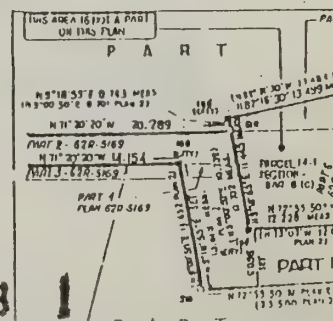
CERTIFY THAT:

- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
- 2) THE SURVEY WAS COMPLETED ON THE 12TH DAY OF MAY, 1988

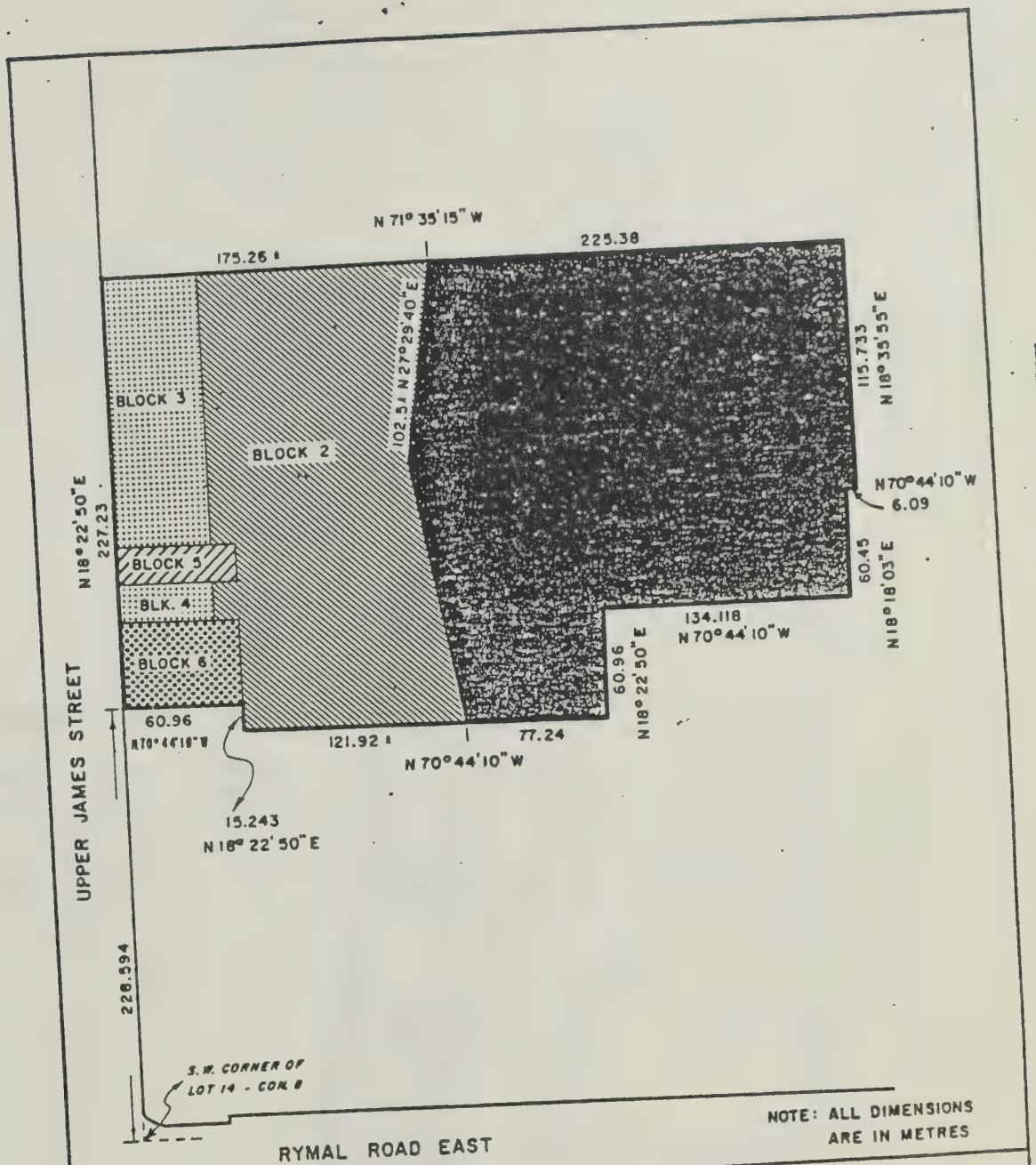
HAMILTON, ONTARIO
JULY 8th, 1988

J. DAVID PETERS
ONTARIO LAND SURVEYOR

SOUTH-WESTERN CORNER OF LOT 14 CON 8 PARKIN



APPENDIX B



THIS IS SCHEDULE "A" TO BY-LAW NO. 88-135
PASSED THE 10th DAY OF May, 1988

E. J. Simpson
Clerk

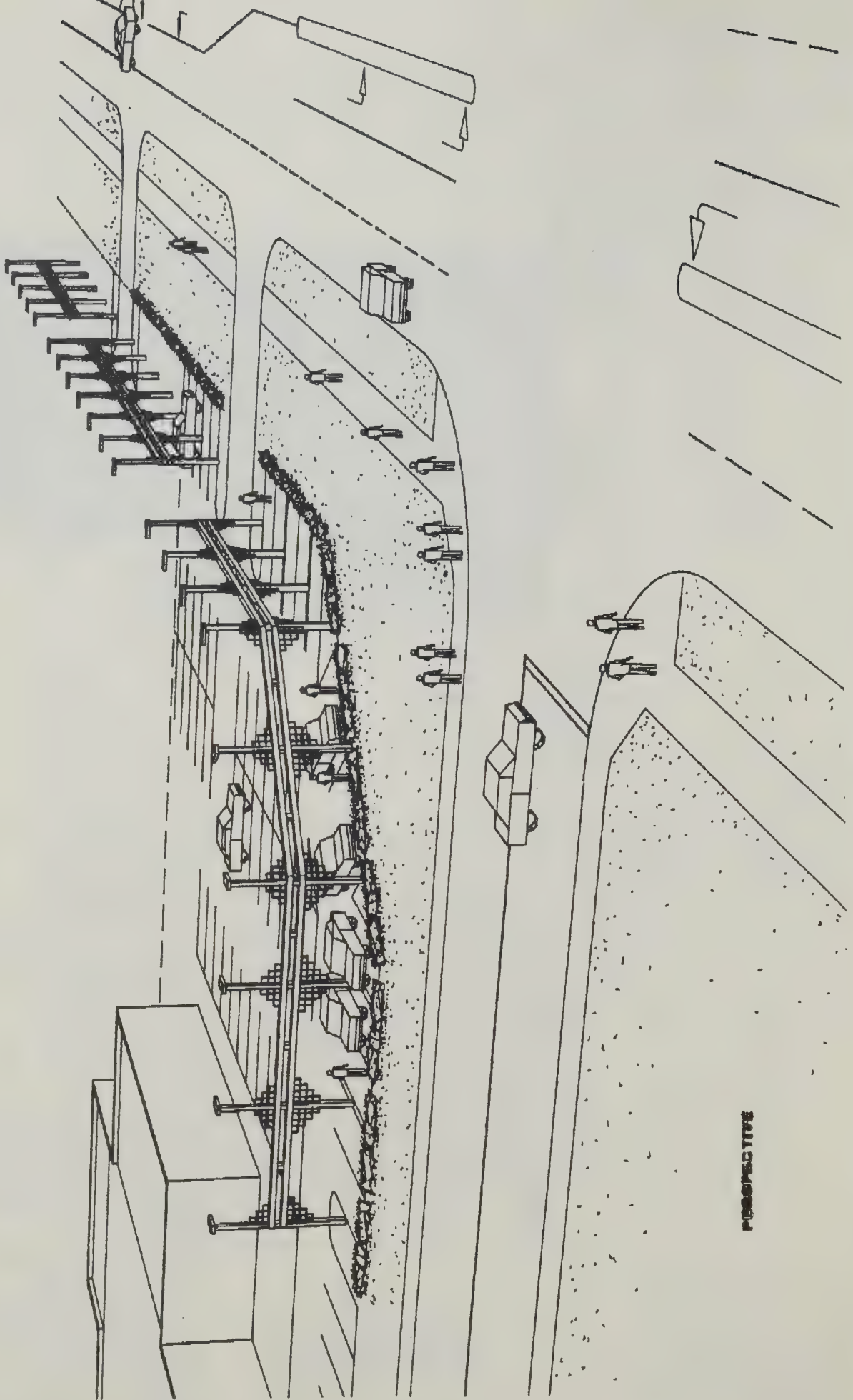
Mayor
Mayor

North	Scale	Reference File No.
↑	NOT TO SCALE	ZA-87-84
	Date	Drawing No.
	MARCH 17, 1988	

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 88-135
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend	
BLOCK 1	CHANGES IN ZONING FROM: "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
BLOCK 2	"AA" (AGRICULTURAL) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.
BLOCKS 3 AND 4	"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.
BLOCK 5	"E" (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.
BLOCK 6	"HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.



PERSPECTIVE

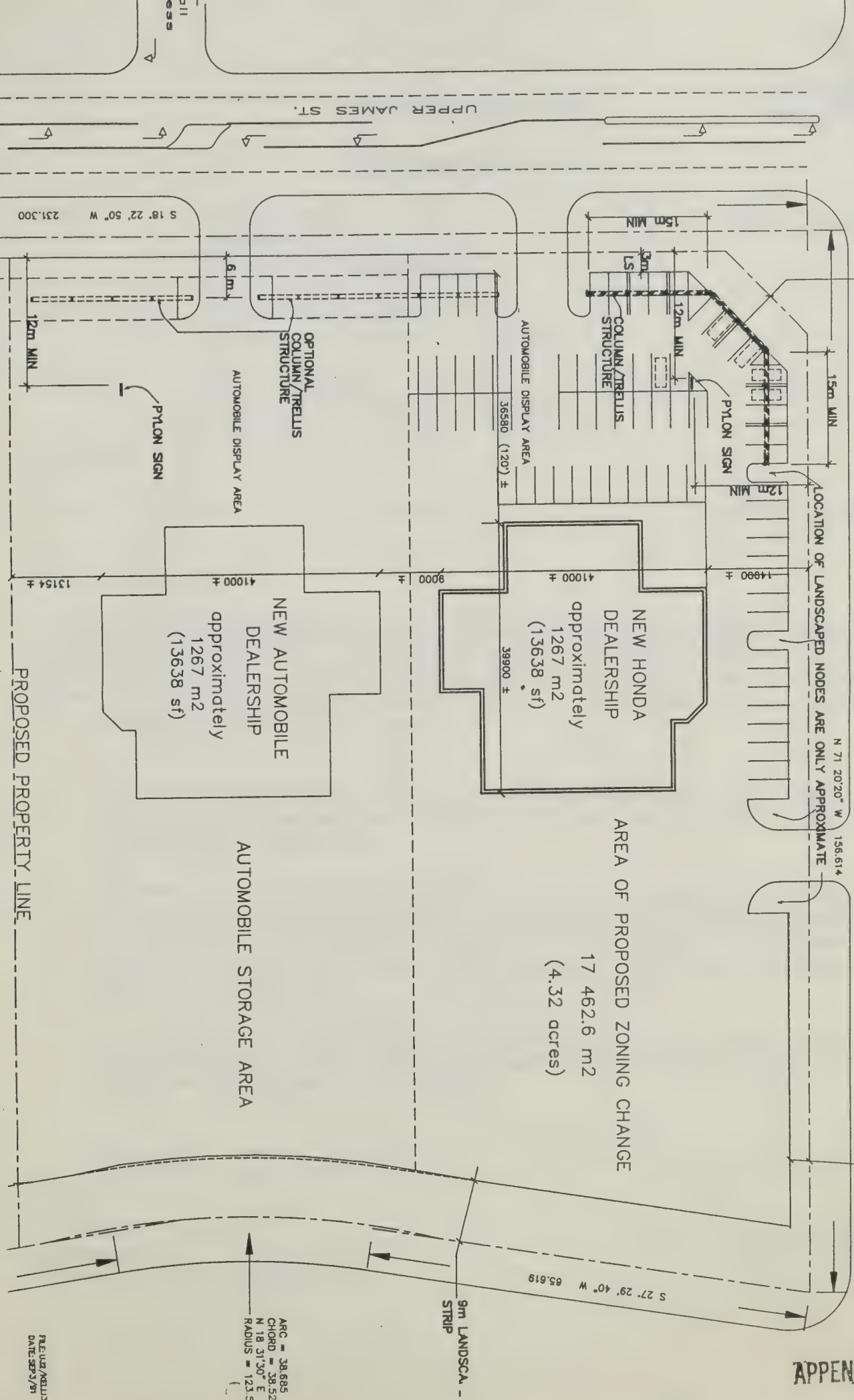


6m LANDSCAPE STRIP

Proposed street

3m LANDSCAPE STRIP

APPENDIX E



ARC = 38.685
CHORD = 38.52
N 18° 31' 30" E
RADIUS = 123.5

FILE 102/RELLS
DATE: 05/21/91

26

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 January 2
(ZA-91-40)
Chapple East Neighbourhood

JAN 2 1992

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

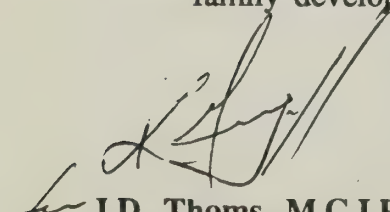
Request for a change in zoning - lands located at Nos. 478 and 488 Rymal Road East.

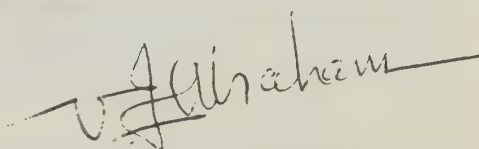
RECOMMENDATION:

That amended Zoning Application 91-40, Frank Toth, Tony Di Franco and Angelo Coca, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family development, on property located at Nos. 478 and 488 Rymal Road East, as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

- i) It conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "LARGER LOTS" under the " SINGLE and DOUBLE RESIDENTIAL" designation;
- ii) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "LARGER LOTS". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities..."

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "LARGER LOTS".


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicant's intention to develop the subject lands in accordance with a draft plan of subdivision with single-family homes on lots ranging in area from 365m² (3,930 sq. ft.) to 512m² (5,510 sq. ft.), with minimum lot frontages of 12.0m - 15.7m (see Appendix "B").

- Amended Application

On August 26, 1991 a meeting was held with the applicant's agent to consider a revised plan which provided for 19 single-family lots under a "C" zoning, as opposed to the previous submission to provide for 7 small lots under a "R-4" zoning, and 13 lots under a "C" zoning. In conclusion, the applicant was advised that the proposal did not meet the intent of the approved Chapple East Neighbourhood Plan, or provide for an acceptable transition of lot sizes for future development to the east.

In a letter dated September 11, 1991, the applicant's agent advised that "our clients are not prepared to propose still larger lots within the proposed plan", and wished to proceed with an amended application to provide for a change in zoning for the 19 lots from "AA to "C" (see Appendix "C").

- Neighbourhood Plan

The subject lands are designated for "LARGE LOTS" under the "SINGLE and DOUBLE RESIDENTIAL" designation on the approved Chapple East Neighbourhood Plan. The Chapple East Neighbourhood Plan was approved as development policy by the Planning and Development Committee at its meeting held on November 1, 1989, and the Plan was adopted by City Council on November 14, 1989.

APPLICANT:

Frank Toth, Tony DiFranco, and Angelo Coca, owners.

LOT SIZE AND AREA:

The rezoning involves the rear portion of the applicant's holdings which have:

- 74.764m (245.28 ft.) of lot width;
- 153.5m (503.60 ft.) of lot depth; and,
- 11,476.27m² (123,523 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"AA" (Agricultural) District
to the south	vacant	"AA" (Agricultural) District
to the east	single-family dwellings and vacant lands	"AA" (Agricultural) District
to the west	vacant	"DE" (Low Density Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "**RESIDENTIAL**" on Schedule A - Land Use Concept Plan of the Official Plan. The following policies would apply, among others:

- "A.2.1.1 The primary uses in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will

contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."
- D.2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN..."

The proposal conflicts with the intent of Policies C.7 and D.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are proposed for "LARGER LOTS" under a "SINGLE AND DOUBLE RESIDENTIAL" designation on the approved Chappel East Neighbourhood Plan. The proposal conflicts with the intent of the approved Chappel East Neighbourhood Plan. Should the application be approved, a neighbourhood plan amendment would be required to delete reference to the "LARGER LOTS" on the approved Chappel East Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, Hamilton Wentworth Police Department and TransCanada Pipelines have no comments or objections.
- The Hamilton Wentworth Engineering Department has advised that:

"There are external public watermain and separate storm and sanitary sewers available to service these lands. Internal servicing, widenings, etc. will be dealt with under the draft plan of subdivision for "Arrowhead Heights of Rymal".

COMMENTS:

1. The proposal conflicts with the intent of Policies C.7 and D.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

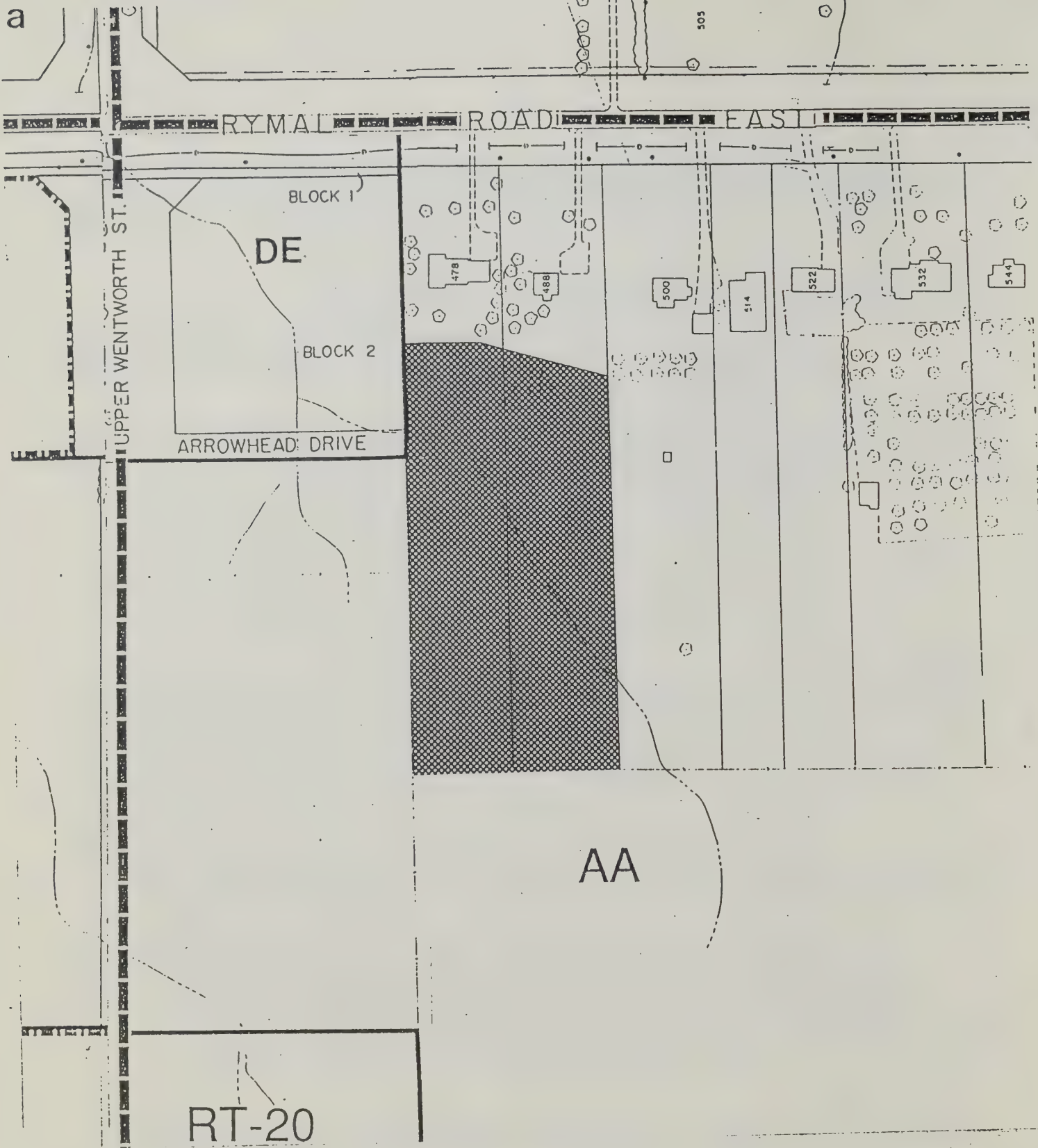
2. The proposal conflicts with the intent of the Chappel East Neighbourhood Plan. Should the application be approved, a neighbourhood plan amendment would be required to delete reference to "LARGER LOTS" on the approved Chappel East Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
 - i) It conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "LARGER LOTS" under the "SINGLE and DOUBLE RESIDENTIAL" designation;
 - ii) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "LARGER LOTS". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities...".

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "LARGER LOTS";
 - iii) It should be noted, that with the exception of lot nos. 7 and 13, (see Appendix "B"), the proposed lots have frontages of 12-13m similar to standard "C" (Urban Protected residential, etc.) District lots found in most subdivisions. The "Larger Lot" single-family type development contemplated by the Chappel East Neighbourhood Plan should provide for at least a "B-2" (Suburban Residential) District type zoning, with lots having a minimum lot width of 15.0m (49.21 ft.), and a minimum lot area of 540 m² (5,812.51 sq. ft.), as opposed to lots having a minimum width of 12.0m (39.37 ft.) and a minimum lot area of 360.0 m² (3,875.01 sq. ft.) under the "C" (Urban Protected Residential, etc.) District.
4. As the application is not being supported, a Public Meeting was not scheduled. In this regard, should the Planning and Development Committee decide to approve the application, the necessary Public Meeting should be scheduled to consider the zoning application and draft plan of subdivision (Arrowhead Heights of Rymal).

CONCLUSION:

On the basis of the forgoing, the application as submitted cannot be supported.

GAW/ma



Legend



Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.



RDENS OF RYMAL
1 PLAN 62M-678

LOCK 4

AMILY RESIDENTIAL

HEAD DRIVE

PART 2
0.300 RESERVE
62R-11311

PART 3
PLAN 62R-11311

SKETCH TO ILLUSTRATE
PROPOSED REVISION TO
LOTS 8-14 INCLUSIVE
IN
"ARROWHEAD HEIGHTS
OF RYMAL"

DRAFT PLAN 25T-91009
CITY OF HAMILTON

FUTURE RESIDENTIAL

STREET "A"

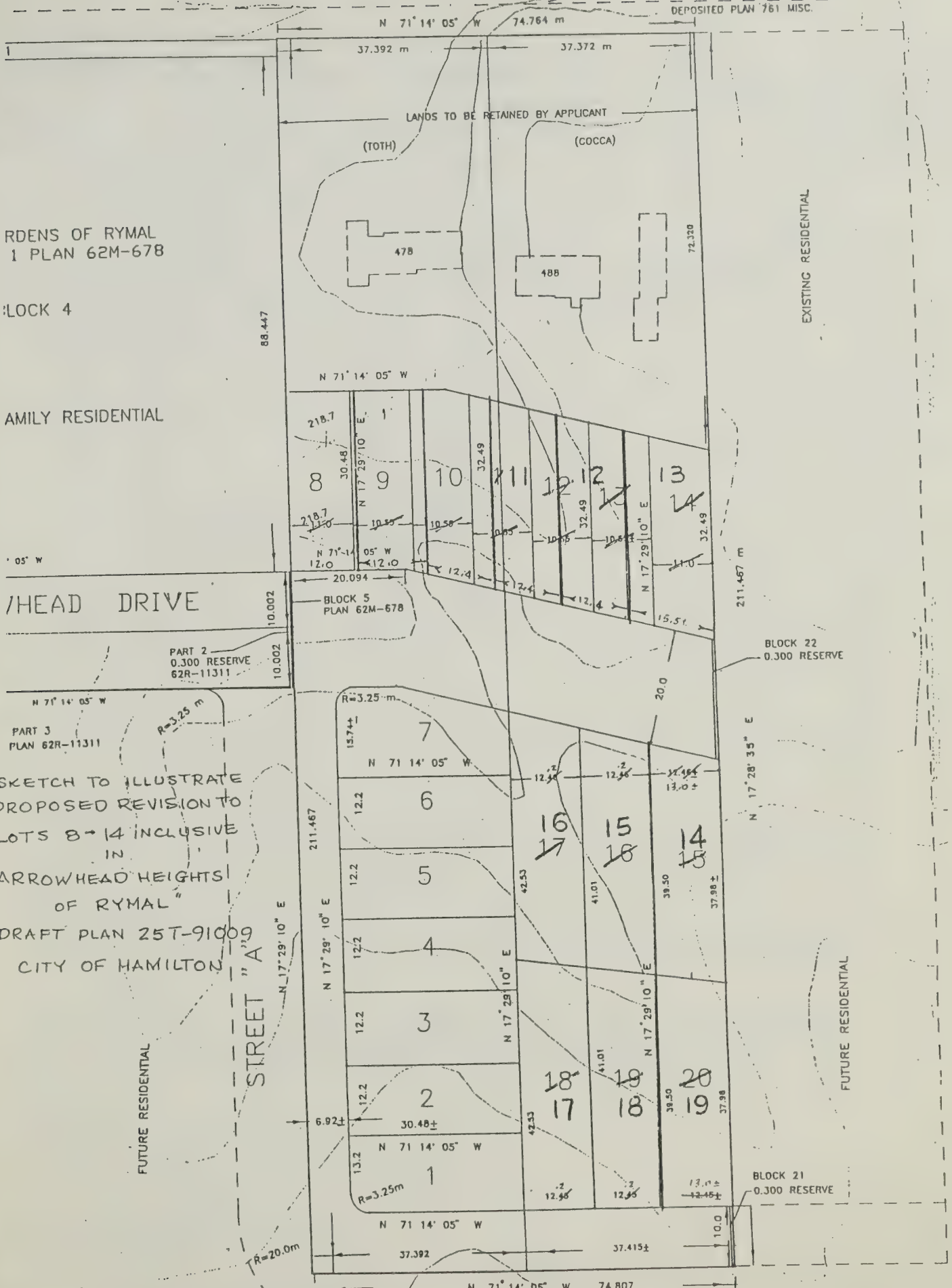
EXISTING RESIDENTIAL

FUTURE RESIDENTIAL

PRINTED

AUG 30 1991

SIDNEY W. WOODS
ENGINEERING-INC.



SCHEDULE OF APPROXIMATE LOT AREAS
 ARROWHEAD HEIGHTS OF RYMAL
 25T-91009 - CITY OF HAMILTON

REVISED LOT NUMBER	AREA m ²	AREA FT ² ±
8	365.	3930
9	366.	3930
10	380.	4170
11	388.	4175
12	388.	4175
13	478.	5150
14	504.	5420
15	490.	5280
16	512.	5510
17	512.	5510
18	490.	5280
19	504.	5420

MINIMUM C-ZONE AREA = 360 m²
 " C - " FRONTAGE 12.0 m

SIDNEY W. WOODS
 ENGINEERING INC

12/11 Aug 30.91
 APPENDIX B

SIDNEY W. WOODS

ENGINEERING INC.

Established 1949

Sidney W. Woods, O.L.S., P.Eng. (1904-1980)

S. Kenneth Woods, P.Eng.

John Morgante, P.Eng.

Prem K. Tewari, P.Eng.

Member:

The Association of Professional Engineers of Ontario

Suite 400, 20 Jackson St. West
HAMILTON, Ontario L8P 1L2
Tel.: 52-WOODS (529-6637)
Fax: 529-3909

September 11, 1991

Regional Municipality of Hamilton-Wentworth
Planning Department
71 Main St. West, 7th Floor
Hamilton, ON
L8N 3T4

Att'n: Mr. Paul Mallard, M.C.I.P.

Dear Sir,

Re: Arrowhead Heights of Rymal
25T-91009 Draft Plan
City of Hamilton

Further to your advice of yesterday that your department cannot support our proposed revision to the above referenced draft plan which eliminated all lots which did not satisfy "C" zoning requirements.

We are, to say the least, disappointed in your decision but our clients are not prepared to propose still larger lots within the proposed plan.

We would therefore request that the zoning application be amended by your department to change the previously proposed R4 designation to "C" for the lots on the north side of Arrowhead Drive.

We would also request that the amended zoning application be scheduled for review at the soonest available meeting of the planning committee.

We understand that it is unlikely that this zoning application can be scheduled for earlier than November 1st and we would appreciate your confirmation of the exact date in order that our clients can attend and speak to the committee.

Yours sincerely,
SIDNEY W. WOODS ENGINEERING INC.

S. Kenneth Woods
S. Kenneth Woods, P.Eng.

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APPENDIX C

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CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

PHONE (416) 546-2700
FAX (416) 546-2095

1992 January 17

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 January 22

9:30 o'clock a.m.

Room 233, City Hall

A handwritten signature in dark ink, appearing to read 'Tina Agnello'.

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. **CONSENT AGENDA**

COMMISSIONER OF PLANNING AND DEVELOPMENT

2. **Niagara Escarpment Planning Issues in the City of Hamilton (Presentation)**

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

3. Zoning Application 91-55, Vedemo Construction Limited, owner, for a modification to the "E-3" District regulations for properties at Nos. 131 - 133 Market Street; Central Neighbourhood.
4. Amendment to the Official Plan and Zoning Application 91-66, J. Beume Real Estate Limited, prospective owner, for a modification to the "L-mr-2" District regulations for property at No. 121 Augusta Street; Corktown Neighbourhood.
 - (a) Submission - CN, 277 Front Street West, Toronto, Ontario, M5V 2X7.
5. Zoning Application 91-68, 467052 Ontario Limited (E. Kennish), owner, for a change in zoning from "D" to "H" and a modification to the "H" District regulations for properties at Nos. 261 and 263 Wellington Street North; Beasley Neighbourhood.

10:45 O'CLOCK A.M.

6. Amendment to the Official Plan and Zoning Application 91-51, Harnox Holdings Limited, owner, for a modification to the "HH" District regulations for property at No. 1051 Upper James Street; Greeningdon Neighbourhood.
 - (a) Submission - Mr. Michael Lyn, 1050 Upper James Street, Hamilton, L9B 1K2.
 - (b) Submission - Mrs. Emilia Gudowski, 130 Victor Boulevard, Hamilton, L9A 2V4.
7. Zoning Application 91-54, A. C. Dabner and D. D. Hill, owners, for a modification to the "K" District regulations for property at No. 276 Sanford Avenue North; Gibson Neighbourhood.

11:00 O'CLOCK A.M.

8. Zoning Application 91-70, A. & G. Paul and S. Paquette, owners, for a modification to the "C" District regulations for property at No. 300 East 34th Street; Macassa Neighbourhood.
 - (a) Submission - Mr. and Mrs. Robert Brett, 307 East 34th Street, Hamilton, L8V 3X2.

- (b) Submission - K. Karaska, S. Karaska, 318 East 34th Street, Hamilton and Mrs. Jenette June Mavre, 324 East 34th Street, Hamilton, L8V 3X3.

9. Modified Neighbourhood Plan Review - Chedoke Park Neighbourhood

- (i) Report from the Kirkendale/Chedoke Neighbourhood Plan Advisory Committee
- (ii) Report from the Commissioner of Planning and Development
- (a) Submission - Peggy M. Dick, 100 Flatt Avenue, Hamilton, L8P 4N3
- (b) Submission - Wendy Moore Spors, Safety Representative, Earl Kitchener Home and School Association, 14 Miles Court, Hamilton, L8P 4G6
- (c) Submission - Seymour and Noreen Wigle, 77 Stanley Avenue, Hamilton, L8P 2L2
- (d) Submission - Herman Turkstra, Solicitor, 15 Bold Street, Hamilton, L8P 1T3

10. Request for an Official Plan Amendment - Land located south of Studholme Road west of Beddoe Drive

11. OTHER BUSINESS

12. ADJOURNMENT

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed

PLANNING AND DEVELOPMENT COMMITTEE

MONDAY, 1992 JANUARY 22

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1992 January 08.

B. DIRECTOR OF PROPERTY

Release of Construction Covenants - Aiden Tuite - Part 10, Plan 62R-6188, 36 Keefer Court - Covenants as set out under Deed Number 473415 C.D.

C. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (i) Subdivision Application 25T-82008 - Revised Draft Plan of Subdivision "Hamilton Mountain Industrial Park No. 2"; West Hannon Neighbourhood.
- (ii) Request to amend the Hamilton-Wentworth Official Plan - Air Cargo Terminal, Township of Glanbrook
- (iii) Proposed Plan - Sheldon and Mewburn West Neighbourhoods

D. DIRECTOR OF PUBLIC WORKS DEPARTMENT

- (i) Commercial Improvement Programme; Paving of Alleyway in the International Village Business Improvement Area.
- (ii) Commercial Improvement Programme; Paving of Alleyway in the Westdale Village Business Improvement Area.

E. BUILDING COMMISSIONER

Cash-in-lieu of Parking - 81 Dundurn Street South
848 Main Street East
859 King Street East

Wednesday, 1992 January 8
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor R. Morrow
Alderman D. Wilson
Alderman M. Kiss
Alderman B. Charters
Alderman F. D'Amico
Alderman H. Merling
Alderman W. McCulloch

Also present: V. Abraham, Director of Local Planning
L. King, Building Commissioner
J. Hickey-Evans, Planning Department
D. Carson, Executive Assistant to the Mayor
B. Janssen, Planning Department
P. Lampman, Building Department
G. Aston, Regional Engineering Department
M. Watson, Property Department
L. Farr, Law Department
J. McNeilly, Public Works Department
R. Meiers, Public Works Department
B. Allick, Building Department
J. Spolnik, Building Department
R. Karl, Traffic Department
N. Chapple, Planning Department
P. Mallard, Planning Department
T. Agnello, City Clerk's Department
C. Coutts, Secretary

1. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee Meeting for its meeting held 1991 October 23, and these minutes were adopted as circulated.

BUILDING COMMISSIONER

B. Demolition Permit Applications

(i) 660 Upper Paradise Road

The Committee was in receipt of a report dated 1991 November 12, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 660 Upper Paradise Road.

(ii) 668 Upper Paradise Road

The Committee was in receipt of a report dated 1991 October 29, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 668 Upper Paradise Road.

(iii) 456 Burlington Street East

The Committee was in receipt of a report dated 1991 November 12, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 456 Burlington Street East.

(iv) 27 Rymal Road West

The Committee was in receipt of a report dated 1991 October 29, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 27 Rymal Road West.

(v) 211 Brant Street

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 211 Brant Street.

(vi) 7 Gerrard Street

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 7 Gerrard Street.

(vii) 9 Gerrard Street

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 9 Gerrard Street.

(viii) 19 Gerrard Street

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 19 Gerrard Street.

(ix) 23 Gerrard Street

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 23 Gerrard Street.

(x) 27 Gerrard Street

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 27 Gerrard Street.

(xi) 391 Sherman Avenue North

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 391 Sherman Avenue North.

(xii) 358 Birch Avenue

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 358 Birch Avenue.

(xiii) 1141 Upper Sherman Avenue

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 1141 Upper Sherman Avenue.

(xiv) 1147 Upper Sherman Avenue

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 1147 Upper Sherman Avenue.

(xv) 90 Alpine Avenue

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 90 Alpine Avenue.

(xvi) 390 Limeridge Road East

The Committee was in receipt of a report dated 1991 December 17, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for 390 Limeridge Road East.

C. City of Hamilton Heritage Program(i) 219 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 November 19, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an increase of one hundred and seventy-five dollars (\$175.) be approved under the Community Heritage Trust Fund for a revised loan amount of five hundred and eighty-seven dollars (\$587.) for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,
- (b) That an increase of one hundred and seventy-five dollars (\$175.) be approved under the Designated Property Grant Programme for a revised grant amount of five hundred and eighty-eight dollars (\$588.) for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

(ii) 221 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 November 19, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an increase of one hundred dollars (\$100.) be approved under the Community Heritage Trust Fund for a revised loan amount of four hundred and fifty dollars (\$450.) for Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,

- (b) That an increase of one hundred dollars (\$100.) be approved under the Designated Property Grant Programme for a revised grant amount of four hundred and fifty dollars (\$450.) for Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton.

(iii) 223 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 November 19, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an increase of two hundred and thirteen dollars (\$213.) be approved under the Community Heritage Trust Fund for a revised loan amount of five hundred and fifty dollars (\$550.) for P. L. Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,
- (b) That an increase of two hundred and twelve dollars (\$212.) be approved under the Designated Property Grant Programme for a revised grant amount of five hundred and fifty dollars (\$550.) for P. L. Preston, 223 Ferguson Avenue South, Hamilton.

(iv) 225 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 November 19, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an increase of two hundred and thirteen dollars (\$213.) be approved under the Community Heritage Trust Fund for a revised loan amount of five hundred and fifty dollars (\$550.) for Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,
- (b) That an increase of two hundred and thirteen dollars (\$213.) be approved under the Designated Property Grant Programme for a revised grant amount of five hundred and fifty dollars (\$550.) for Hugh Caughey, 225 Ferguson Avenue South, Hamilton.

(v) 227 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 November 19, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an increase of two hundred and sixty-two dollars (\$262.) be approved under the Community Heritage Trust Fund for a revised loan amount of six hundred and twelve dollars (\$612.) for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over two years; and,
- (b) That an increase of two hundred and sixty-three dollars (\$263.) be approved under the Designated Property Grant Programme for a revised grant amount of six hundred and thirteen dollars (\$613.) for Elaine Elson, 227 Ferguson Avenue South, Hamilton.

BUILDING COMMISSIONER/CITY SOLICITOR**D. Zoning By-law - Amend to include Definition of "Owner".**

The Committee was in receipt of a report dated 1992 January 3, from the City Solicitor and Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That Zoning By-law No. 6593 be amended as follows:

Section 2(2)(k)vii

"owner means the person, corporation or other entity registered on title as owner or any person, corporation or other entity having control of the property, including those receiving rents for the property, whether on their own account or as agent or trustee of any other person or entity."

- (b) That the required public meeting be arranged.

MANAGER OF PURCHASING**E. Landscaping, demolition and concrete work, Crown Point West bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. Tracks, Stipeley P.R.I.D.E. Phase II - Issue Purchase Order to Braun Nursery, Mount Hope.**

The Committee was in receipt of a report dated 1991 November 25, from the Manager of Purchasing, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That a purchase order be issued to Braun Nursery, Mount Hope, in the amount of \$83,460., including all taxes, plus a 10% contingency allowance of \$8,346., being the lowest acceptable of seven tenders received, to provide landscaping, demolition and concrete work, Crown Point West, bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. tracks, Stipeley P.R.I.D.E. Phase II, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Crown Point West/Stipeley P.R.I.D.E. Phase II Account No. CF5200 428902002.
- (b) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."

F. Landscaping and maintenance, Crown Point West bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. Tracks, Stipeley P.R.I.D.E. Phase II - Issue Purchase Order to Aldershot Landscape, Burlington.

The Committee was in receipt of a report dated 1991 November 25, from the Manager of Purchasing, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That a purchase order be issued to Aldershot Landscape, Burlington, in the amount of \$71,071.54., including all taxes, plus a 10% contingency allowance of \$7,107., being the lowest of seven tenders received, to provide landscaping and maintenance, Crown Point West, bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. tracks, Stipeley P.R.I.D.E. Phase II, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Crown Point West/Stipeley P.R.I.D.E. Phase II Account No. CF5200 428902002.
- (b) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."

G. Landscaping, demolition and concrete work, Crown Point West bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. Tracks, Stipeley P.R.I.D.E. Phase II - Issue Purchase Order to Cardeen Construction, Stoney Creek.

The Committee was in receipt of a report dated 1991 November 25, from the Manager of Purchasing, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That a purchase order be issued to Cardeen Construction, Stoney Creek, in the amount of \$54,775.44, including all taxes, plus a 10% contingency allowance of \$5,477., being the lowest of seven tenders received, to provide landscaping, demolition and concrete work, Crown Point West, bounded by Gage Avenue, Main Street, Ottawa Street and the C.N. tracks, Stipeley P.R.I.D.E. Phase II, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Crown Point West/Stipeley P.R.I.D.E. Phase II Account No. CF5200 428902002.
- (b) That, as this work is to be completed as soon as possible, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council."

DIRECTOR OF PROPERTY

H. Expropriation by City of Hamilton - 388 Birch Avenue, Grace Clara Finn.

The Committee was in receipt of a report dated 1991 December 9, from the Director of Property respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That an Agreement by Owner to Accept compensation for the property of Grace Clara Finn, executed on 1991 November 26 and scheduled for closing on or before 1992 February 25, be accepted and completed. The subject property being Municipal Number 388 Birch Avenue, having a total frontage along the southerly limit of Birch Avenue of 7.0 metres (23.0 feet), more or less, shown as Parts 1 and 2 on Expropriation Plan No. 79837. That the total compensation of \$19,500., along with all associated costs be charged to Account Number CF5590 308750001 (Land Acquisition - Enclave Clearance Program).

- (b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

I. Release of Building Covenants - City and Region Sale to Mercanti - Parts 3,4,5,6,7,8 - Plan 62R-5200 - 100 Anchor Road, Stone Church Industrial Park - Construction Covenants as contained in City Deed 9495 and 86563.

The Committee was in receipt of a report dated 1991 December 2, from the Director of Property respecting the above-noted matter. The Committee approved the following recommendation:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 100 Anchor Road, Hamilton from the construction covenants to the City as contained in City Deed 9495 registered on 1989 September 25 and City Deed 86563 registered on 1991 June 14.

SENIOR DIRECTOR - ROADS DEPARTMENT

J. Queenston Heights Subdivision, Hamilton - Cash Payment in lieu of 5% Parkland dedication.

The Committee was in receipt of a report dated 1991 December 19, from the Senior Director of the Roads Department, respecting the above-noted matter. The Committee approved the following recommendation:

That the City of Hamilton accept the sum of \$26,800. as cash payment in lieu of the 5% land dedication in connection with "Queenston Heights", Hamilton, being the cash payment required under Section 50 of the Planning Act. The lands of Queenston Heights Subdivision are located east of Donn Avenue and north of Highway No. 8 in the Riverdale East Neighbourhood.

CITY CLERK

K. Request for Resolutions for consideration at the FCM Annual Conference.

The Committee was in receipt of a memorandum dated 1991 November 26, from the Manager of Legislative Division, City Clerk's Department, respecting the above-noted matter. The Committee received this information as circulated.

COMMISSIONER OF PLANNING AND DEVELOPMENT

L. Amendment to By-law No. 91-176 - MacNab Charles Heritage District.

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That the City Solicitor be directed to prepare a By-law to:

- (a) delete Schedule "A" of By-law No. 91-176 and replace it with a revised Schedule "A" to correct a technical error in the dimensions of the lands to be rezoned; and,
- (b) amend Section 5 of By-law No. 91-176 by deleting the words "Section 1" in the second line and substituting "Section 2" therefore,

for properties located at 122-126 MacNab Street South and 109, 111, and 123 Charles Street, as shown on the map attached to the report and marked as Appendix "A".

M. Subdivision Application 25T-76024 - Extension of Draft Plan approval for "Battleridge" Subdivision; Butler Neighbourhood.

The Committee was in receipt of a report dated 1991 November 18, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That the Regional Municipality of Hamilton-Wentworth be requested to grant a one year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).

N. Subdivision Application 25T-88016 - Request for Draft Plan approval for "Fontana Gardens" Subdivision; Gourley Neighbourhood.

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

(A) That approval be given to Application 25T-88016, Frank Fontana, owner, to establish a draft plan of subdivision on the west side of West Fifth Street south of Limeridge Road West, subject to the following conditions:

- (a) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1991 March 12, revised to include a 6.1m walkway between Street "A" and West Fifth Street together with resulting lotting changes, and showing 42 lots and 29 blocks.
- (b) That the plan or parts of the plan not receive final approval until road access and municipal services are available to the lands.
- (c) That the centre line radius of Street "B" through the "S-bend" curves be increased to a minimum of 200.0m with a minimum 30.0m tangent between the two horizontal curves in order to allow sight distance between the two intersecting streets along Street "B".
- (d) That the future extension of Annabelle Street between Blocks 57 and 58 align centre line to centre line with the existing portion of Annabelle Street north of Chester Avenue.
- (e) That Street "B" align centre line to centre line with the extension of Annabelle Street south of Chester Avenue as it is shown on Plan 62R-11658 and the road allowance be reduced to 20.0m.
- (f) That Street "C" align centre line to centre line with the existing portion of Chesley Street north of Chester Avenue and be established to its full required width.
- (g) That the streets and the walkway be dedicated to the City of Hamilton as public highways on the final plan.
- (h) That the street widening be reduced to 5.18m in width and be dedicated to the Regional Municipality of Hamilton-Wentworth as public highway on the final plan.
- (i) That a 2.0m x 2.0m daylight triangle be established at the corner of Lot 26.

- (j) That Blocks 42 and 43 be merged to form a lot.
 - (k) That Blocks 44 to 64 inclusive be developed only in conjunction with abutting lands.
 - (l) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (m) That the final plan conform to the Zoning By-law approved under the Planning Act.
 - (n) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (o) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and total area of development and block in the final plan.
 - (p) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (q) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
 - (r) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement, prior to the issuance of a final release by the City of Hamilton.
 - (s) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (B) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-88016) Frank Fontana, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

O. Subdivision Application 25T-89038 - Request for Draft Plan approval for "Crerar Court" Subdivision; Crerar Neighbourhood.

The Committee was in receipt of a report dated 1991 December 16, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That approval be given to application 25T-89038, Westmount Homes, owner, to establish a draft plan of subdivision located to the west of Upper Wentworth Street south of Aquila Place, subject to the following conditions:

- (a) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1989 October 23, showing 2 lots and 5 blocks for development with abutting lands.

- (b) That the plan not receive final approval until municipal services and road access are available from the lands to the north.
- (c) That the street align with the street to be established on the lands to the north and be dedicated to the City of Hamilton as a public highway on the final plan.
- (d) That the abutting portion of Crerar Drive extension is to be established to its full required width, prior to, or in conjunction with, the approval of the final plan.
- (e) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (f) That the final plan conform to the zoning by-law approved under The Planning Act.
- (g) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (h) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.
- (i) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
- (j) That any dead-ends of the road allowance created by the plan be terminated in 0.3 reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance.
- (k) That Blocks 3 to 7 inclusive be developed only in conjunction with abutting lands.
- (l) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
- (m) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

P. Proposed Provincial Policy Statement on Wetlands.

The Committee was in receipt of a report dated 1991 November 21, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That the City Clerk be requested to:

- (a) advise the Ministers of Municipal Affairs and Natural Resources that with respect to the Province's proposed Policy Statement on Wetlands:
 - (i) that policies 4 and 5 be modified to state that compatible uses will be permitted which do not threaten the wetland functions of nearby Provincially Significant Wetlands; and,

- (ii) that with this modification, the City supports the proposed Policy Statement.
- (b) forward a copy of the report dated 1991 November 21, as prepared by the Commissioner of Planning and Development respecting the proposed Provincial Policy Statement on Wetlands and as approved by the Planning and Development Committee at its meeting held 1992 January 8, to the Ministers of Municipal Affairs and Natural Resources along with the above-noted resolution.

Q. Carter Square Neighbourhood Plan Amendment - Beasley Neighbourhood.

The Committee was in receipt of a report dated 1991 December 31, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

That the Planning and Development Committee authorize a public meeting on the amended request for a Neighbourhood Plan Amendment for the lands known as "Carter Square" in the Beasley Neighbourhood.

DIRECTOR OF PUBLIC WORKS

R. Revised Board of Management - Downtown Promenade B.I.A. (1992 - 1994).

The Committee was in receipt of a report dated 1991 December 23, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That Schedule 'B' of By-law No. 86-73, as amended, appointing the Downtown Promenade B.I.A. Board of Management, be repealed and the following names substituted:

Marcel Mongeon	Royal Connaught Hotel
Ray Harris	Harris & Henderson
Daniel Marissen	Durward Jones Barkwell & Co.
Paul Pappas	Grapes & Things
Jordan Livingston	Jordan Livingston Furs
Reggie Titian	Reggie's Music & Sound
Gary Evans/G. Bullock	The Spectator
Wilf Gerofsky	Leeds of Hamilton
Greg Gouthreau	Hamilton Holiday Inn
Al Spadero	Central Guaranty Trust
David Lee	South Side
Sam Scime	C.I.B.C.
Tom Tarpos	Uncle Tommy's
Marvin Caplan	Marvin Caplan Gentlemen's Apparel

- (b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-73 pursuant to (a) above.

S. Revised Board of Management - International Village B.I.A. (1992 - 1994).

The Committee was in receipt of a report dated 1991 December 23, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management, be repealed and the following names substituted:

Agostino Ammendolia	Ammendolia Real Estate
Bernie Martin	Rehak's Pastry Shop
Chris Merritt	Manager, C.I.B.C.
Dagmar Rudzewitsch	Seaway Travel
Wolfgang Schoen	Black Forest End
Margaret Tsangarakis	It's All Greek To Me
Jim Lyons	The Card Shark
Shakiel Baig	Rock 'N Tees
Bob Siromsky	Bad Bob's

- (b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 86-212 pursuant to (a) above.

T. Revised Board of Management - Ottawa Street B.I.A. (1992-1994).

The Committee was in receipt of an amended report dated 1992 January 7, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That Schedule 'A' of By-law 86-99, as amended, appointing the Ward Aldermen in which the Ottawa Street B.I.A. is located to the Board of Management, be repealed and the following Ward Aldermen substituted:

Alderman D. Drury
Alderman B. Morelli
Alderman G. Copps
Alderman D. Wilson

- (b) That, Schedule 'B' of By-law 86-99, as amended, appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

John Gut	Textile Centre
Gord Culshaw	Culshaw's Cakes/A&B Catering
Lynne Zarubiak	Deblynn's Hair Salon
Joan Stafford	Joan's Trims & Laces
John Driscoll	Price Busters Discount
Manny Freitas	Wood's Redi-to-Finish Furniture
Clive Eynon	D & E Good Home Bakery
Greta Munt	Greta's Flair

- (c) That, the City Solicitor be authorized and directed to amend Schedule 'A' and 'B' of By-law No. 86-99 pursuant to (a) and (b) above.

REGULAR AGENDABUILDING COMMISSIONER/CITY SOLICITOR2. 74 Charlton Avenue East - Demolition.

The Committee was in receipt of a report dated 1992 January 3, from the Building Commissioner and City Solicitor, respecting the above-noted matter.

Peter Lampman, Building Department, advised the Committee that Item No. 1 in the Background of the Report is incorrect in stating that the decision of the N.E.C. for demolition of the building was first appealed by L.A.C.A.C. The Committee was advised that L.A.C.A.C. did not appeal the decision of the Niagara Escarpment Commission but that an individual who happened to be a former member of L.A.C.A.C. was the one who appealed the Commission's decision.

Lorne Farr, Law Department, advised Committee members that legal action can be taken under the Building Code Act, Ontario Heritage Act, Planning Act or the Niagara Escarpment Planning and Development Act with respect to the unauthorized demolition of this building.

After considerable discussion, the Committee approved the following recommendation:

- (a) That the Building and Law Departments be authorized to pursue all avenues of enforcement with respect to the unauthorized demolition of 74 Charlton Avenue East by its owner St. Elizabeth Home Society (Hamilton, Ontario) or St. Elizabeth Housing Corporation, or their principals or directors.
- (b) That all enforcement procedures be co-ordinated with any action taken by the Niagara Escarpment Commission or the Ministry of the Environment.

Questions were then raised with respect to the authority of the Niagara Escarpment Commission in issuing development permits, and the Committee directed the Planning Department to make a full presentation on the status of assuming authority for the issuance of development permits from the Niagara Escarpment Commission at the next meeting.

3. 848 Fennell Avenue East - Illegal Addition constructed contrary to Zoning By-law No. 6593.

The Committee was in receipt of a report dated 1992 January 2, from the Building Commissioner and City Solicitor, respecting the above-noted matter. The Committee approved the following recommendation:

That the City appear before the Ontario Municipal Board in support of the decision by the Committee of Adjustment on 1991 July 31, which denied an application for a variance to allow an addition to the building at 848 Fennell Avenue East, constructed contrary to provisions of Zoning By-law No. 6593 as amended.

4. 166 Wentworth Street South - Request to Rehear Decision on Variance Request to Zoning By-law.

The Committee was in receipt of a report dated 1992 January 2, from the Building Commissioner and City Solicitor, respecting the above-noted matter. The Committee approved the following recommendation:

That the City apply to the Ontario Municipal Board to rehear its decision on a variance request to the Zoning By-law by the owner of property at 166 Wentworth Street South.

BUILDING COMMISSIONER

5. 65 Markland Street - Demolition Permit.

The Committee was in receipt of a report dated 1991 December 16, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

That the condition imposed by City Council on 1989 December 12 for the issuance of a demolition permit for 65 Markland Street which applied Section 33(6) of the Planning Act to Lots 5 and 6, Registered Plan 40, formerly known as 65 Markland Street, be removed.

6. Rainwater Leader By-law - Exempt properties at 250 and 300 Limeridge Road East and 1380 Upper Ottawa Street.

The Committee was in receipt of a report dated 1991 December 19, from the Building Commissioner, respecting the above-noted matter.

Alderman Merling expressed some concerns with respect to the property at 1380 Upper Ottawa Street and the Committee approved the following recommendation:

That the projects at Stanley Woods/Stanley Place, 250 and 300 Limeridge Road East, be exempt from connecting all rainwater leaders to storm sewers as required by By-law No. 80-245 and be accepted as built.

With respect to the property at 1380 Upper Ottawa Street, the Committee approved the following recommendation:

That the request that the project at 1380 Upper Ottawa Street be exempt from connecting all rainwater leaders to storm sewers as required by By-law No. 80-245 and be accepted as built, **be tabled**, and that Building Department officials make a site visit and report their findings at the next meeting of the Planning and Development Committee.

7. 293 Tragina Avenue North - Demolition.

The Committee was in receipt of a report dated 1992 January 6, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

That the Building Department be directed to carry out the work of demolition at property municipally known as 293 Tragina Avenue North in the City of Hamilton as required by an Order to Comply issued pursuant to The Ontario Building Code Act, R.S.O., 1980, Chapter 51 dated 1992 January 2, at a cost not to exceed \$5,000.

DIRECTOR OF PUBLIC WORKS8. 1992 to 1996 Community Renewal/Public Works Capital Budget.

The Committee was in receipt of a report dated 1991 December 23, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

That the submission forms of the Community Renewal/Public Works Department attached to the report of the Director of Public Works dated 1991 December 23, be referred to the Finance and Administration Committee to be considered for inclusion in the 1992 to 1996 Capital Budget.

9. Ottawa Street B.I.A. - Proposed Budget and Schedule of Payments for 1992.

The Committee was in receipt of a report dated 1991 December 30, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That the 1992 Operating Budget of the Ottawa Street B.I.A., attached to the report and marked as Appendix "A", be approved in the amount of eighty-five thousand dollars (\$85,000.); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1992 Budget as referenced in (a) above; and,
- (c) That the Schedule of Payments for 1992 be as follows:

February 01	\$42,500.
June 01	\$21,250.
October 01	\$21,250.

1991 Levy Arrears will be deducted from the first payment for 1992.

10. Downtown Promenade B.I.A. - Proposed Budget and Schedule of Payments for 1992.

The Committee was in receipt of a report dated 1991 December 30, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That the 1992 Operating Budget of the Downtown Promenade B.I.A., attached to the report and marked as Appendix "A", be approved in the amount of one hundred and ninety-nine thousand dollars (\$199,000.); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1992 Budget as referenced in (a) above; and,
- (c) That the Schedule of Payments for 1992 be as follows:

January 01	\$16,583.33	July 01	\$16,583.33
February 01	\$16,583.33	August 01	\$16,583.33
March 01	\$16,583.33	September 01	\$16,583.34
April 01	\$16,583.33	October 01	\$16,583.34
May 01	\$16,583.33	November 01	\$16,583.34
June 01	\$16,583.33	December 01	\$16,583.34

Levy Arrears will be deducted from the first payment for 1992.

11. International Village B.I.A. - Proposed Budget and Schedule of Payments for 1992.

The Committee was in receipt of a report dated 1991 December 30, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That the 1992 Operating Budget of the International Village B.I.A., attached to the report and marked as Appendix "A", be approved in the amount of fifty-nine thousand, three hundred and sixty dollars (\$59,360.); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1992 Budget as referenced in (a) above; and,
- (c) That the Schedule of Payments for 1992 be as follows:

February 01	\$9,893.33
April 01	\$9,893.33
June 01	\$9,893.33
August 01	\$9,893.33
October 01	\$9,893.33
December 01	\$9,893.34

1991 Levy Arrears will be deducted from the first payments for 1992.

12. North End East and West Neighbourhoods - Application for Provincial P.R.I.D.E. Program.

The Committee was in receipt of a report dated 1991 November 12, from the Director of Public Works, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That the Public Works Department, Community Renewal Section, be authorized to make application to the Ministry of Municipal Affairs, Community Development Branch for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) to a maximum of four hundred thousand dollars (\$400,000.) for portions of the North End East and West Neighbourhoods in accordance with the map attached to the report and marked as Appendix "A"; and,
- (b) That subject to the receipt of an allocation from the Ministry of Municipal Affairs under the P.R.I.D.E. Programme, the City's share of the project to a maximum of four hundred thousand dollars (\$400,000.) matched with the Provincial share of four hundred thousand dollars (\$400,000.) equalling a total project cost of eight hundred thousand dollars (\$800,000.), be provided through existing Capital Budget funding for Pier 4 Park from the Parks Development Section of the Public Works Department; and,
- (c) That portions of the North End East and West Neighbourhoods be designated as one Community Improvement Project Area in accordance with the map attached to the report and marked as Appendix "A"; and,

- (b) provision of the appropriate paving agreement with the Region of Hamilton-Wentworth for the construction of a handicap drop-off zone on Bay Street South;
- (c) provision of an encroachment agreement with the Region of Hamilton-Wentworth for the portion of the existing church which encroaches into the Bay Street road allowance;
- (d) provision of landscape agreements with the City of Hamilton and the Region of Hamilton-Wentworth respectively, for all landscaping proposed within the Hunter Street and Bay Street road allowance.

Alderman McCulloch wished to be recorded as opposed to this motion.

17. Site Plan Control Application DA-91-50, to amend DA-89-71, V. Greco, owner, of land at 45 Hempstead Drive; Rymal Neighbourhood.

The Committee was in receipt of a report dated 1991 November 28, from the Commissioner of Planning and Development, respecting the above-noted matter.

John Sakala, Planning Department, made a presentation with respect to the Site Plan Application and circulated photographs of the said property.

Mr. Gerry Gallin and Mr. D'Amilo, representing the applicant, appeared before the Committee to request support for the Site Plan Control Application.

Alderman Merling suggested that the best avenue for this Site Plan Control Application would be through the Committee of Adjustment and the Committee approved the following recommendation:

That the report of the Commissioner of Planning and Development dated 1991 November 28, respecting Site Plan Control Application DA-91-50, be tabled, and that the applicant be directed to proceed through the Committee of Adjustment with respect to this matter.

18. Site Plan Control Application DA-91-58, Diton Construction, owner, of land at 325 Wentworth Street North; Landsdale Neighbourhood.

The Committee was in receipt of a report dated 1991 November 20, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following recommendation:

- (a) That approval be given to Site Plan Control Application DA-91-58 by Diton Construction, owner, of lands known as 325 Wentworth Street North for the addition of three (3) parking spaces and landscaping subject to the following:
 - (i) modification to the plan in relation to notes, and dimensions as marked in red on the plan;
 - (ii) dedication, to the Region of Hamilton-Wentworth, of a 2m x 2m daylight triangle at the intersection of Wentworth Street and Birge for future turning improvement at this intersection; and,
 - (iii) submission of a revised landscape plan to the satisfaction of the Director of Local Planning and Development Department.

- (b) That in regard to Zoning Application ZA-89-95, the following resolution be forwarded to City Council for approval;

That Item 9 of the Sixth Report for 1991 of the Planning and Development Committee approved by City Council on 1991 April 9th, respecting Zoning Application ZA-89-95 by for property at 323 and 325 Wentworth Street North, be amended as follows:

- (i) amend Item 9(a)(i)(2) by adding the following statement to the end of the sentence:- "and the required manoeuvring will be located off-site."

- (ii) add the following new clause as Item 9(a)(i)(3):

"That notwithstanding Section 18A.(14) of By-law No. 6593, one (1) parking space will be located in the required front yard and the required manoeuvring will be located off-site."

- (iii) Add the following new clause Item 9(a)(i)(4):

"That notwithstanding Section 18(3)(vi)(c)(i) of By-law No. 6593, the open stairway to the second level may project not more than 1.09m into the required rear yard."

19. 1997 Capital Budget Considerations - Residential Enclaves

The Committee was in receipt of a report dated 1991 December 23, from the Commissioner of Planning and Development, respecting the above-noted matter. The Committee approved the following:

That the budgetary proposal for the Residential Enclaves as prepared by the Commissioner of Planning and Development be referred to the Finance and Administration Committee for its consideration for inclusion in the future Capital Budget for 1997.

20. Liveable Cities Conference/San Francisco.

Alderman Don Drury advised Committee members that he is investigating the possibility of obtaining free air fare for Committee members to attend the Liveable Cities Conference in San Francisco and will report back at the next meeting.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

- 21. Zoning Application 91-47, Hamilton Region Conservation Authority, owner, for a modification to the "AA" District regulations for part of the land municipally known as 100 Confederation Drive; Confederation Park "A" Neighbourhood.**

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development with respect to the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and advised Committee members that of the 104 notices mailed, 45 were received in favour, and 2 were received in opposition.

The Committee approved the following recommendation:

That approval be given to amended Zoning Application 91-47, Hamilton Region Conservation Authority, owner, requesting a modification to the established "AA" (Agricultural) District regulations, to permit the establishment of a penny arcade containing not more than thirty machines only within the existing building (forming part of the Adventure Village Complex), for part of the property located at 100 Confederation Drive, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

- (a) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 7A(1) of By-law No. 6593, the following accessory commercial use shall be permitted only within the existing building:
 - (1.) a penny arcade having a maximum of thirty machines.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1253, and that the subject lands on Zoning District Map E-101 be notated S-1253;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-101 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

22. Amendment to the Official Plan and Zoning Application 91-49, Kingdom Properties Inc., prospective owner, for a change in zoning from "H" to "E" and modification to the "E" District regulations for property municipally known as 623 Upper James Street; Centre Mount Neighbourhood.

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development with respect to the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and advised Committee members that of the 502 notices mailed, 14 were received in favour, and 9 were received in opposition.

Mr. John Pelech and Mr. Ron Cupido, appeared before the Committee requesting that the Committee support the Zoning Application.

Mr. Owen, 156 Brucedale Avenue, appeared before the Committee and expressed some concern with respect to the number of residences in the proposed development. Mr. Owen added that he would like to see the Site Plan before it is approved.

Mr. Peruzal, 631 Upper James Street, also appeared before the Committee to express his opposition to the Zoning Application, as he lives next door and is afraid that the proposed development will block the view of his property.

After some discussion, the Committee approved the following recommendation:

- (a) That approval be given to Official Plan Amendment No.104, requesting a site specific redesignation from "Commercial" to "Residential", for property municipally known as 623 Upper James Street, and that the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application 91-49, Kingdom Properties Inc., prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs, etc.) District, modified for Block "1" and a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for Block "2", to permit the development of the subject lands for a five storey, 34 unit apartment building, for property located at 623 Upper James Street, shown as Blocks "1" and "2" on the map attached to the report and marked as Appendix "A", on the following basis:
 - (i) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges and Clubs, etc.) District;
 - (ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 11.(2)(ii), the maximum building height shall not exceed 5 storeys;
 - (2.) That notwithstanding Section 11.(3)(ii)(b), a minimum 3.4 m northerly side yard shall be provided and maintained;
 - (3.) That notwithstanding Section 11.(3)(ii)(b), a minimum 3.0 m southerly side yard shall be provided and maintained;
 - (4.) That notwithstanding Section 11.(5), a maximum of 34 dwelling units shall be permitted;
 - (5.) That notwithstanding Section 11.(6), a minimum of 575 m² of landscaped area shall be provided and maintained;
 - (6.) That notwithstanding Section 18A(1), a minimum of 41 parking spaces shall be provided and maintained.
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1254, and that the subject lands on Zoning District Map E-7 be notated S-1254;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-7 for presentation to City Council;
 - (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No.104, by the Regional Municipality of Hamilton-Wentworth.

- (c) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of site plans for Blocks "1" and "2".

23. Zoning Application 91-50, Ritlyn Investments Ltd., owner, for a modification to the "D" District regulations for property at 95 Mary Street; Beasley Neighbourhood.

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development with respect to the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed Committee members that of the 120 notices mailed, 15 were received in favour, and 1 was received in opposition.

Mr. Bill Shapiro, appeared before the Committee on behalf of the applicant, and asked that the Committee support the application.

Mr. James Drake, 141 Catherine Street North, appeared before the Committee and suggested that the City lands not be sold to the applicant but that they be left for the proposed widening of Wilson Street. Mr. Drake also suggested that staff look at putting a planting strip along Wilson Street.

Mr. Depitre, 99 Murray Street, submitted a letter dated 1991 November 12, from Mr. Ravi Lal, to the Secretary, which stated that he would support the application if the road is paved and had adequate fencing.

The Committee was also in receipt of a submission from Go Transit, dated 1991 December 18, which states that Go Transit has no concerns with the proposed land use changes at this time.

After further discussion, the Committee approved the following recommendation:

- (a) That approval be given to Zoning Application 91-50 Ritlyn Investments Ltd., owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District regulations, to permit a parking lot in conjunction with the Wilson Medical Centre at 136 Wilson Street, for property located at 95 Mary Street, as shown on the map attached to the report and marked as Appendix "A", on the following basis:
 - (i) That the "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

That notwithstanding Section 10.(1) of By-Law No. 6593 a parking lot shall be permitted only accessory to the use of land located at Nos. 118-136 Wilson Street, subject to the following conditions;

- (a) That no vehicular access to or egress from Wilson Street shall be permitted;

- (b) That a minimum 1.5m wide planting strip shall be provided and maintained along the northerly lot line, the westerly lot line, within the City owned boulevard lands to the south and east, and the easterly lot line, except for that portion required for a driveway access onto Mary Street;
 - (c) That a visual barrier not less than 1.2m in height and not more than 2.0m in height shall be provided and maintained along the northerly and westerly lot lines;
 - (ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-1255, and that the subject lands on Zoning District Map E-4 be notated S-1255;
 - (iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-Law not be forwarded for passage by City Council until such time as the applicant has:
- (i) Applied for and received approval of a commercial boulevard parking agreement with the City respecting the Wilson Street road allowance; and,
 - (ii) Applied for and received site plan approval including the adjacent City owned lands, and registers the site plan on title.

10:45 O'CLOCK A.M.

24. **Zoning Application 91-53, Kids Care Oncology Centre West (Ronald McDonald House), prospective owner, for a change in zoning from "C" to "H" and a modification to the "H" District regulations for land on the west side of Cootes Drive, north of Main Street West; Ainslie Wood North Neighbourhood.**

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development with respect to the above-noted matter.

Stuart Farwell, Al Fletcher, Ken Varny, Mel Gedrick, and Bruce Law, representing the Land and Building Committee of the Ronald McDonald Project, appeared before the Committee and asked the Committee to support the application.

The Committee approved the following recommendation:

- (a) That approval be given to amended Zoning Application 91-53, Kids Care Oncology Central West, prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for Block "1" and a modification to the "H" (Community Shopping and Commercial, etc.) District regulations for Block "2", to permit the development of the subject lands for a three storey "Ronald McDonald House" (Kids Oncology Centre), for the lands on the west side of Cootes Drive, north of Main Street West, shown as Blocks "1" and "2" on the map attached to the report and marked as Appendix "A", on the following basis:

- (i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - (1.) That notwithstanding Section 14(1) of Zoning By-law No. 6593, the following residential uses shall be permitted within the same building:
 - (a) a lodging house not for gain with separate cooking facilities having a maximum of 15 lodging rooms; and,
 - (b) one accessory Class "A" dwelling unit.
 - (2.) That notwithstanding Section 14(3)(ii) of Zoning By-law No. 6593, a minimum 1.5 m wide easterly side yard shall be provided and maintained;
 - (3.) That notwithstanding Section 14(3)(iii) of Zoning By-law 6593, a rear yard of a depth of at least 1.0 m shall be provided and maintained;
 - (4.) That notwithstanding Sections 18A.(1)(a) and (b), a minimum of one parking space for each lodging room and one parking space for the accessory dwelling unit shall be provided and maintained; and,
 - (5.) That Sections 18A.(11) and (12) shall not apply.
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1256, and the subject lands on Zoning District Maps W-45 and W-46 be notated S-1256;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-45 and W-46 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (vi) That the approved Ainslie Wood North Neighbourhood Plan be amended by redesignating the subject lands from "Utilities" to "Low Density Apartments".
- (b) That Site Plan Control By-Law No. 79-275, as amended by By-law No. 87-223, be amended by adding the subject lands to Schedule "A".

25. Zoning Application 91-56, 943937 Ontario Inc. (J. LeCluse), prospective owner, for a further modification to the established "G" District regulations for lands on the east side of Upper James Street and south of Regina Drive; Ryckman's Neighbourhood.

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development with respect to the above-noted matter.

Mr. Bushtoits, and Mr. J. LeCluse, appeared before the Committee to ask the Committee to support the application.

The Committee approved the following application:

- (a) That approval be given to Zoning Application ZA-91-56, 943937 Ontario Inc. (J. LeCluse), prospective owner, for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit two car dealerships, including accessory auto body and paint shops, for lands located on the east side of Upper James Street, south of Regina Drive, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

- (i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593 as amended by By-law Nos. 90-145 and 88-135, applicable to the subject lands, be further modified to include the following variances as special provisions:

- (1.) That notwithstanding subsection 13(1) of Zoning By-law No. 6593, the following uses shall also be permitted:

- (a) New and used car dealerships, including ancillary automobile body/fender repair shops and paint shops.

- (b) A business identification sign that is a ground sign, subject to the following requirements:

- (i) Not more than one sign shall be permitted for each car dealership.

- (ii) An area of vertical projection of not more than 0.1 m² per 0.3 m of street frontage per car dealership on Upper James Street, shall be permitted.

- (iii) A height of at least 3.0 m shall be provided from the ground to the bottom of the sign.

- (iv) The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary.

- (v) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

- (2.) That notwithstanding subsection 13(3) of Zoning By-law No. 6593, a column and trellis structure shall be provided and maintained at the northwest corner of the property on the following basis:
 - (a) Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0m from each end thereof along the northerly and westerly lot lines,
 - (b) Said structure shall be setback a minimum of 6.0m from the property line(s).
 - (3.) That a minimum 3.0m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
 - (a) For any area used for vehicular access,
 - (b) That a minimum 6.0m wide landscaped strip shall be provided and maintained adjacent to the daylight corner.
 - (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1069b, and that the subject lands on Zoning District Map E-9D be notated S-1069b;
 - (iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
 - (iv) That the proposed modification in zoning is in compliance with the Official Plan for the Hamilton Planning Area.
 - (b) That the amending by-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan incorporating the "Urban Design Guidelines for Upper James Street Corridor", and which is registered on title.
26. Amended Zoning Application 91-40, F. Toth, T. Di Franco and A. Coca, owners, for a change in zoning from "AA" to "C" for properties at 478 and 488 Rymal Road East; Chappel East Neighbourhood.

The Committee was in receipt of a report dated 1992 January 2, from the Commissioner of Planning and Development with respect to the above-noted matter.

Given that the applicant was not in attendance, the Committee recommended the following:

That Zoning Application 91-40, be tabled until the next meeting of the Planning and Development Committee - Motion lost.

Paul Mallard advised Committee members that the applicant received written notification of today's meeting. The Committee then approved the following recommendation:

That amended Zoning Application 91-40, Frank Toth, Tony Di Franco and Angelo Coca, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit single-family development, on property located at 478 and 488 Rymal Road East, as shown on the map attached to the report and marked as Appendix "A", be denied for the following reasons:

- (a) It conflicts with the intent of the approved Chappel East Neighbourhood Plan which designates the subject lands for "Larger Lots" under the "Single and Double Residential" designation;
- (b) Approval of the application would undermine the intent of the approved Neighbourhood Plan and alter the established and future intended character of the area, in that this is one of the few areas in the City identified for "Larger Lots". The protection of these lands would support Council's intent to provide for "a variety of housing styles, types and densities...".

Accordingly, approval of the application would encourage other similar applications which, if approved, would jeopardize the objective of providing for alternative single-family development on "Larger Lots".

Alderman F. D'Amico wished to be recorded as opposed to this motion.

27. OTHER BUSINESS

Under other business, the Committee welcomed back Mr. Victor Abraham, Director of Local Planning.

There being no further business, the meeting then adjourned.

Taken as read and approved,

**ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Charlene J. Coutts
Secretary
1992 January 8**

B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 3


REPORT TO: Miss Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: Release of Construction Covenants - Aiden Tuite
Part 10, Plan 62R-6188, 36 Keefer Court
- Covenants as set out under
Deed Number 473415 C.D.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 36 Keefer Court, Hamilton from the construction covenants to the City as contained in Deed Number 473415 C.D., registered on September 1, 1988.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 13 of the 9th Report of the Planning and Development Committee, City Council on April 26, 1988 approved the sale of Part 10, Plan 62R-6188, 36 Keefer Court, Kenora Industrial Park to Aiden Tuite. This transaction was to be closed on June 6, 1988.

In adopting Item 14 of the 15th Report of the Planning and Development Committee, City Council on June 28 1988 approved an extension of the closing date from June 6, 1988 to August 31, 1988. All other conditions of the agreement were to remain the same. This transaction was closed on August 31, 1988.

Under the terms of the covenants set out in Deed Number 473415 C.D., the purchaser was to commence construction of a 5,000 square foot building by December 6, 1988 and have this building completed by December 6, 1989. The proposed building has been completed as required under the covenants.

This department supports the request of the owner that The City of Hamilton release the construction covenants contained in Deed Number 473415 C.D. in order to clear the title.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. D. Powers

C.(i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 6
(25T-82008 - Revised 2)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

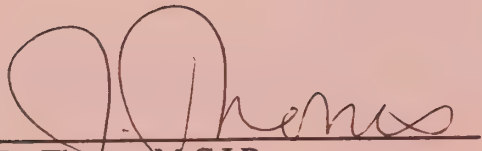
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Revised Draft Plan of Subdivision

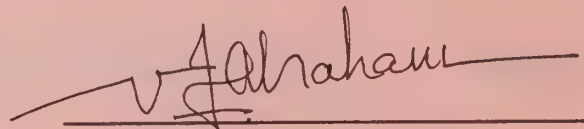
RECOMMENDATION:

- A) That the draft approval for the remainder of the "Hamilton Mountain Industrial Park No. 2" subdivision, the Regional Municipality of Hamilton-Wentworth, former owner, in the City of Hamilton under Regional File No. 25T-82008, be withdrawn.
- B) That approval be given to revised application 25T-82008, 810294 Ontario Limited, owner, to establish a draft plan of subdivision located at the south-west corner of Rymal Road East and Glover Road, subject to the following conditions:
1. That this approval apply to the plan prepared by A.J. Clarke and Associates Ltd., dated as amended July 5, 1991, and showing 5 lots, 1 block and Court "A".
 2. That the plan not receive final approval until construction of municipal sewers on the abutting road has been approved.
 3. The road allowance be dedicated to the City of Hamilton as public highway on the final plan.
 4. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 5. That the final plan conform with the zoning by-law approved under the Planning Act.

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That the owner erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
 9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- C) That the neighbourhood plan be revised to accommodate the new road pattern.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: 810294 Ontario Limited, Stoney Creek, Ontario. Attn: Angelo Paletta

Surveyor/Agent: A.J. Clarke and Associates Ltd., Hamilton, Ontario

Location: The lands, comprising 13.15 ha, are located at the south-west corner of Rymal Road East and Glover Road in the Hannon South Neighbourhood, City of Hamilton.

Proposal: The owner proposes to subdivide the lands into 5 lots and a block for prestige industrial uses. The five lots will front onto Rymal Road East. The block would surround a proposed cul-de-sac road which would run westerly from Glover Road and would serve to provide the frontage and access to future lots which will be created by removing part lot control after the current proposal is registered.

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial Business Parks" within the "Urban Policy Areas". The proposal does not conflict.

City of Hamilton Official Plan - the lands are designated "Industrial", and "Utilities" (Trans Canada Pipelines existing easement). The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned to permit industrial development on the lots and block.

Neighbourhood Plan - the lands are designated for "Restricted Industrial - Commercial", "Restricted Industrial", and "Utilities". The proposal complies with the exception of the proposed street pattern.

Comments from Circulation:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation
- Union Gas, Bell Telephone
- Hamilton Hydro-Electric System (subject to one year lead time for installation of service)
- City Building Department
- City Traffic Department (subject to advice that access to Lot 5 from Rymal Road may be restricted in future)
- Regional Economic Development Department

The Regional Department of Engineering has submitted the following comments and recommendations:

"For Information:

1. *That municipal watermains are available on Rymal Road East and Glover Road adjacent to this proposal.*
2. *There is an existing sanitary sewer in a Regional Easement along the west side of this proposal and partially along Rymal Road adjacent to Lots 1 and 2.*

At the present time storm sewers are not available for this proposal. Sanitary sewers and storm sewers are scheduled for installation in 1992, on Rymal Road East from approximately 250 metres west of Glover Road to Glover Road and on Glover Road from Rymal Road East to the City Limits.

All road widenings have been taken to establish Rymal Road East and Glover Road to their ultimate widths. No further road widenings are required.

3. *The proposed draft plan does not conform to the existing "Approved Neighbourhood Plan".*

Recommendations:

1. *That the owner(s) must enter into a Subdivision Agreement with the Regional Municipality of Hamilton-Wentworth and the City of Hamilton prior to the development of any portion of this development.*
2. *That lots 3, 4, and 5 and any portion of land fronting onto Glover Road not be registered until sewer construction on adjacent roads has been approved.*
3. *That a Regional Easement for storm and sanitary sewers is required for the development of a cul-de-sac from Glover Road to service the interior portion of Block 6 of this proposed development. The width and exact location of the easement is to be determined in the future.*

The submitted plan, as prepared by A.J. Clarke, O.L.S. and dated February 15, 1991 and as amended July 5, 1991 is satisfactory to the Department of Engineering subject to the above noted comments and recommendations."

The following agencies have recommended conditions be established relative to their specific mandates:

- Ontario Hydro (Toronto)
- Trans-Canada Pipelines
- Hamilton Region Conservation Authority
- Ministry of Natural Resources (outstanding from previous draft approval)

Comments:

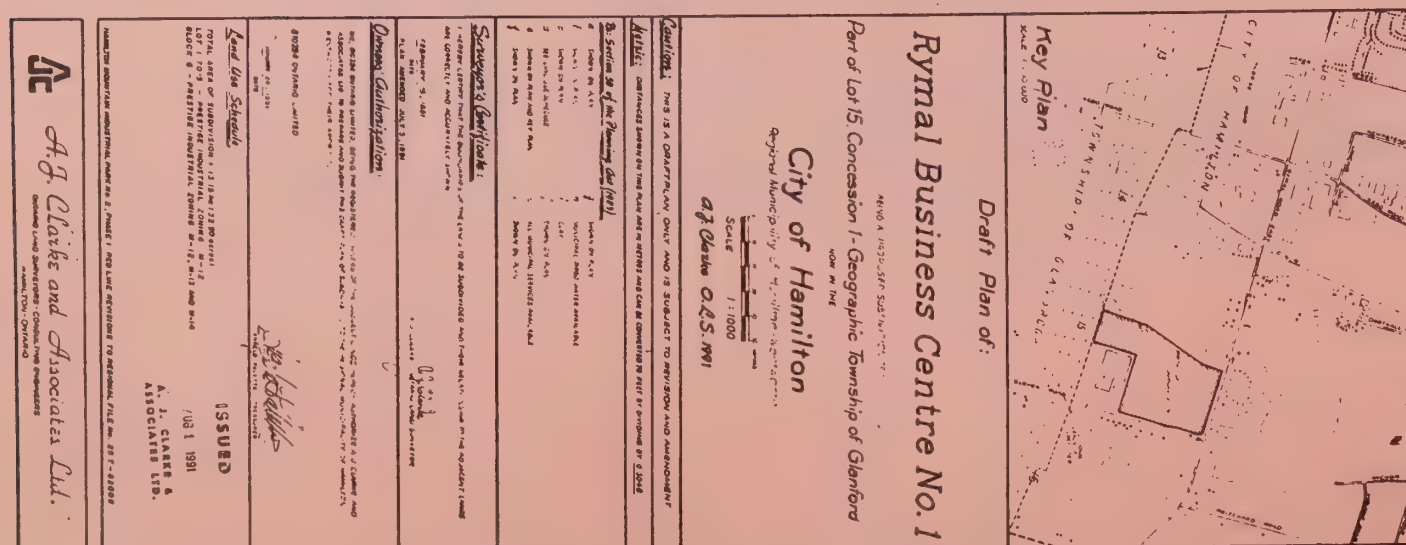
1. The proposal appears to comply with the Official Plans, Zoning By-law and Neighbourhood Plan, subject to revision to the street pattern.
2. The neighbourhood plan shows a crescent type road turning westerly from and to Glover Road. However, a major food distribution building has been erected on the west side of Glover Road north of the Hydro Right-of-Way leaving insufficient frontage to construct a crescent, therefore, a cul-de-sac is proposed to service the remaining internal area of the lands.

3. The previously established conditions of approval will have to be modified, as several of the conditions applied only to the area of the original plan which has subsequently been registered.
4. The requirements of the commenting agencies can be implemented through the conditions of approval to be established by the Regional Municipality.

LL/l
Reports.Cit Dir.
25T82008

ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF GLENBIRD AND BARTON

--ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF GLENBIRD AND BARTON



Rymal Business Centre No.1

Part of Lot 15. Concession 1-Geographic Township of Glanford

City of Hamilton

Regional Municipality of York

SCALE 1 : 1000

A. J. Clarke O. L. S. M.

Caution: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

Notes: ON TAPES BETWEEN THE ALAN AND MY METROS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 1.0936

B: Section 50 of the Planning Act (1991)

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Quinn's Authorizations.

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810294 CUFFARD, MITCHELL

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Land Use Schedule

TOTAL AREA OF SUBDIVISION = 13.15 AC (13.00 AC/00)

BLOC R - PAGES 108-1400819106, 200700 - 10 - 10 - 10 - 10

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1. *Journal of the American Medical Association*, 1997; 278: 1025-1030.

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DESIGNED BY AND SPECIFICATIONS - CONSULT

Downloaded from <http://ajph.org/> on November 10, 2014

CITY OF HAMILTON

- RECOMMENDATION -

DATE: January 10, 1992
P5-9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

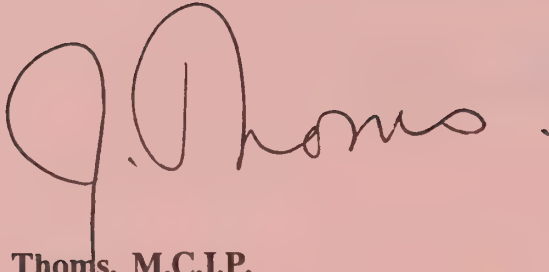
SUBJECT: Request to Amend the Hamilton-Wentworth Official
Plan - Air Cargo Terminal - Township of Glanbrook

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that the Clerk be directed to advise the Region that the Township of Glanbrook's request to amend the Hamilton-Wentworth Official Plan, to permit an air cargo terminal on the south side of Dickenson Road, between Glancaster Road and Hwy. 6, does not appear to impact on the planning intentions of the City of Hamilton. The Region should be satisfied, however, that the proposal will not result in a change in the Noise Exposure Forecast (NEF) contours.

EXPLANATORY NOTE:

Hamilton-Wentworth Region has requested the City's comments, on a request to amend the Region's Official Plan to redesignate lands on the south side of Dickenson Road, between Hwy. #6 and Glancaster Road, in the Township of Glanbrook from "Rural-Special Policy Area 1" to "Industrial-Business Parks".



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



Victor Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Hamilton-Wentworth Region has received an application from Air Terminal Services to amend the Region's Official Plan to permit the development of an aircraft cargo and maintenance complex on the south side of Dickenson Road, between Hwy. #6 and Glancaster Road in the Township of Glanbrook (see attached Map 1). This proposal comprises approximately 48.5 ha (120 acres) and will have direct access to the Hamilton airport.

The subject lands are presently designated as "Special Policy Area 1" in the Region's Official Plan, which permits only rural uses. Policy 2.3.6.4 states that development of this area for Industrial Park purposes is contingent on need; location and timing of construction of a new terminal north of the airport; and, the provision of full municipal services to a new terminal north of the airport.

Further, Policy 2.3.6.4 states that "Until the development of Special Policy Area 1 is justified, and the area is redesignated as an Industrial-Business Park, the permitted uses...will be those specified in Sections 3.1 and 3.2 of this Plan, ..." (Sections 3.1 and 3.2 are the General Policies and Rural Resources Areas in the Rural Policy Areas section of the Region's Official Plan).

The subject lands are not serviced with municipal services.

On this basis, the proposal does not comply with the Region's Official Plan. A redesignation from "Rural-Special Policy Area 1" to "Industrial-Business Parks" is required.

IMPLICATIONS ON THE CITY OF HAMILTON

The subject lands are approximately 3 km (1.8 miles) south of the Hamilton City limits. Lands in Hamilton nearest this proposal are designated "Commercial" along the Upper James Street frontage, and "Residential" to the west of Upper James Street in the City's Official Plan. In addition, the portion of Upper James Street from the City limits, north to the Red Hill Creek Expressway alignment, are within Special Policy Area 31, which recognizes the Upper James Street frontage as highway-oriented commercial, including a diversity of retail and service uses, catering to the travelling public and the daily needs of the adjacent residents.

It should be noted that the applicant's consultant has advised that "we do not anticipate any changes in the existing Noise Exposure Forecast (NEF) contours, at this time.....there will not be an increase in air traffic over that used in the forecasts" (see attached). On this basis, the existing 25 NEF contour extending to the southern portion of the City, west of Upper James Street does not appear to be affected. The Region should be satisfied that the existing NEF contours will not change as a result of this proposal.

CONCLUSION

Based on the foregoing, the City should advise the Region that the proposed amendment to the Hamilton-Wentworth Official Plan to permit the proposed air cargo terminal does not appear to have an impact on the planning intentions of the City. The Region should be satisfied, however, that the proposal will not result in a change from the existing NEF contours.

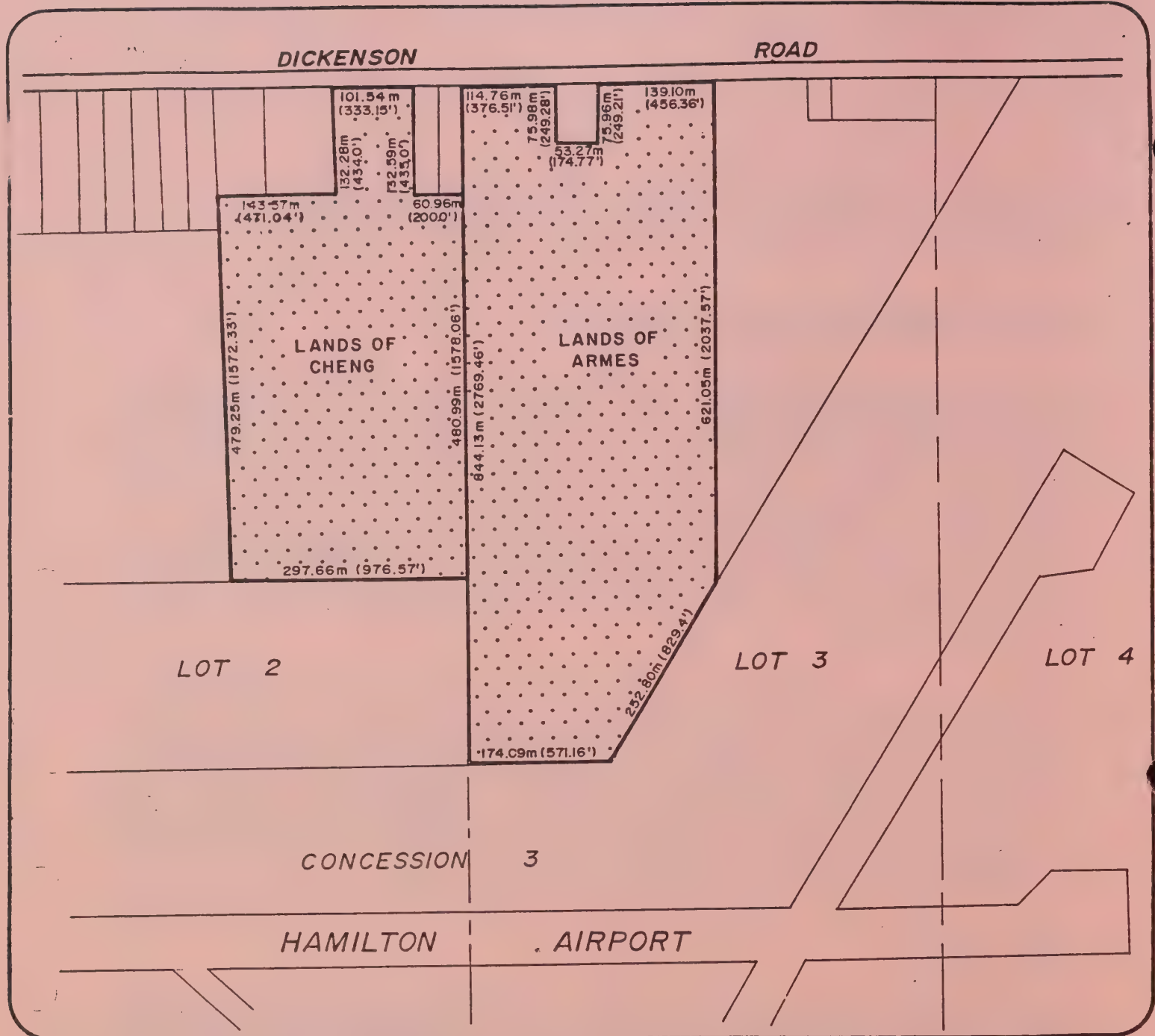


C.F.:ns

POLGEN2

DICKENSON

ROAD



MAP 1

TOWNSHIP OF GLANBROOK (FORMERLY THE TOWNSHIP OF GLANFORD)

FIGURE 1



LANDS SUBJECT TO PROPOSED OFFICIAL PLAN AND
ZONING BY-LAW AMENDMENT



1" = 600'
SCALE

02/91
DATE

HW-G-737
REF. N^o

Planning and Development Department
Hamilton-Wentworth Region

REINDERS

RECEIVED NOV 6 1991



WINNER OF THE SCHREYER AWARD

November 4, 1991

Region of Hamilton Wentworth
Planning and Development Department
119 King St. West, 14th Floor
(P.O. Box 910)
Hamilton, Ontario
L8N 3V9

Attention: Mr. R. Lee

Re: Air Cargo Development at Hamilton Airport
Environmental Noise Assessment

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		NOV 07 1991		
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
P.P. & A.				
NEIGH.				
DEV.				
E. & U.D.				
STAFF	CFG			
CART.				
ADMIN.				

Dear Ray:

We are writing in response to the letter of October 21, 1991 to Mr. Ainsworth from Mr. David Godley, MRTPI.

We do not anticipate any changes in the existing Noise Exposure Forecast (NEF) contours, at this time. Our clients indicate there will not be an increase in air traffic over that used in the forecasts. The airport has experienced a decline in the movements due to changing economic conditions since the early 1980's.

We hope that this satisfies your concerns.

Yours sincerely,

F.J. REINDERS AND ASSOCIATES CANADA LIMITED

T.M. Johansen, P.Eng.
Senior Associate

TMJ/jh

cc: P. Ainsworth, ATS Inc.

F.J. Reinders and Associates Canada Limited *Architects, Consulting Engineers, Planners, and Project Managers*
201 County Court Blvd., Suite 500, Brampton, Ont., Canada L6W 4L2
(416) 457-1618 Fax (416) 457-8852

C. (iii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 9, 1992
P5-2-121
P5-2-101

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

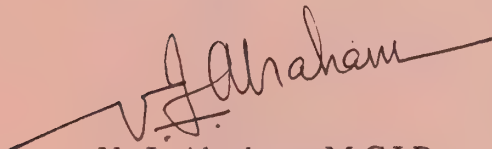
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Proposed Plan - Sheldon and Mewburn West Neighbourhoods.

RECOMMENDATION:

That the Planning and Development Committee authorize a public meeting to discuss the two alternative proposed neighbourhood plans and accompanying Official Plan amendment.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Sewers are being extended to enable the Sheldon Mewburn neighbourhood to be opened up for urban development.
- Mewburn West was deferred when the Mewburn Neighbourhood Plan was approved in July 1987 because the issue of closing West Fifth Street was not resolved.

- Currently negotiations are underway with the Hamilton Public School Board regarding a land exchange with the City in order to consolidate City Park lands to accommodate the proposed "AA" baseball stadium.
- Two different alternative neighbourhood plans have been prepared to elicit public response (see attached).
 - 1) West Fifth Street remains open.
 - 2) West Fifth Street is diverted from Stone Church Road to the west before joining Rymal Road.

Land uses vary slightly between the two options.

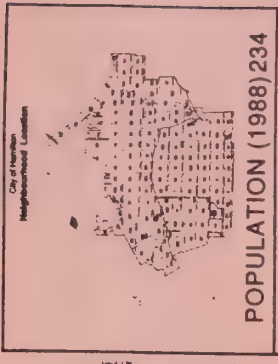
CONCLUSION:

The issues should receive public input before the final proposed plan is prepared.

B.J.:ns
SHELDON

CITY OF NEW ORLEANS
Neighborhoods

POPULATION (1988) 234









LEGEND

- Limit of Drainage Area
 City Lands
 Board of Education Lands
 Lands of St. Elizabeth Home Society
 Possible Bikeway Route

Land Use

- | | |
|-------------------------------------|------------------------|
| <input type="checkbox"/> | Single and Double |
| <input checked="" type="checkbox"/> | Attached Housing |
| <input type="checkbox"/> | Low Density Apartments |

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|---|-----------------------------------|
|  | Commercial |
|  | Civic and Institutional |
|  | Park and Recreational |
|  | Open Space |
|  | Utilities |
|  | St Elizabeth's Retirement Village |

Neighbourhood Boundary

Zoning Boundary

Site Plan Control Boundary

Approvals:

Planning Committee

Latest Map Amendment

Notes: This is a guide only and is subject to change. For details consult the Local Planning Officer of the Regional Municipality of Hamilton-Wentworth.

SHELDON & MEWBURN WEST

PROPOSED PLAN



ALTERNATIVE 2

City of Hamilton
Neighbourhood Committee



POPULATION (1988) 234

LEGEND

- Limit of Drainage Area
- City Lands
- Board of Education Lands
- Lands of St. Elizabeth Home Society
- oooo Possible Bikeway Route

Land Use

- Single and Double
- Attached Housing
- Low Density Apartments

- Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities
- St. Elizabeth's Retirement Village

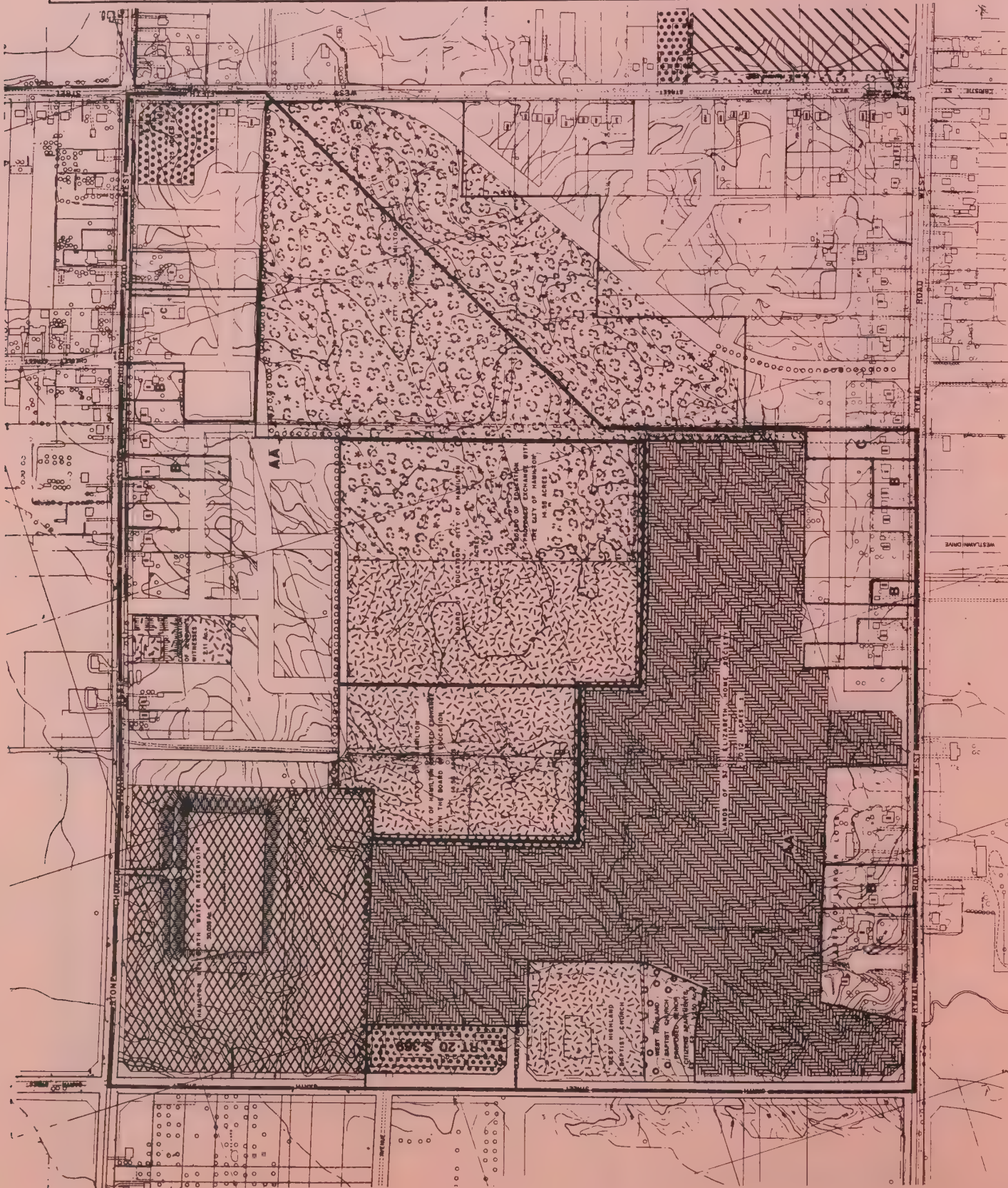
Note: This is a preliminary plan and is subject to change. For more detailed information, please contact the Planning Department of the City of Hamilton.

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Local Map Amendment

APPROVED: _____
Planning Comm.
COUNCIL: _____
Landed Map Amendment

PROPOSED PLAN

SHELDON & MEWBURN WEST



D. (i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 13

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee


FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Commercial Improvement Programme;
Paving of Alleyway in the
International Village Business Improvement Area

FILE No.			
DEPT. PUBLIC WORKS			
JAN 14 1992			
	INFO	REPT	
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MSS			
MP			
MGEM			
MFS			
CCAS			
HORT			
SPM			
PME			
PUD			
SSS(c)			
SSS(m)			
SMM			

RECOMMENDATION:

- 1) That within the International Village B.I.A., the east/west alleyway, between King William and King Street East, from Ferguson Avenue North to Jarvis Street be paved under the Commercial Improvement Programme at an estimated cost of twenty-nine thousand, four hundred dollars (\$29,400.) plus contingencies; and,
- 2) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available under the Commercial Improvement Programme, Account Number CF 5698 428705099.

BACKGROUND:

The International Village Business Improvement Area has made submission to the Community Renewal Section of the Public Works Department under the Commercial Improvement Programme to pave the subject alleyways in order that they can clean up parking, rear access to stores and businesses and garbage storage and clean-up.

JMcN:bk

rem JMK
cc: V. Zingaro, Senior Project Engineer
Roads Department

Mr. K. Christenson, Secretary
Transport and Environment Committee

D. (ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 13

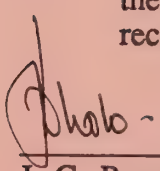
REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Commercial Improvement Programme;
Paving of Alleyway in the
Westdale Village Business Improvement Area

RECOMMENDATION:

- 1) That within the Westdale Village B.I.A., the following alleyways be paved under the Commercial Improvement Programme at an estimated cost of one hundred and twelve thousand, three hundred dollars (\$112,300.) plus contingencies:
 - i) Alleyway first north of King Street running from Marion Avenue to North Oval
 - ii) Alleyway first south of King Street running from Marion Avenue to South Oval
 - iii) Alleyway first south of King Street running from Paisley Avenue to Marion Avenue
 - iv) Alleyway first south of King Street running from Newton Avenue to Paisley Avenue
- 2) That the Commissioner of Transportation/Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.



J. G. Pavelka, P.Eng.
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient funds are available under the Commercial Improvement Programme, Account Number CF 5698 428705099.

BACKGROUND:

The Westdale Village Business Improvement Area has made a submission to the Community Renewal Section of the Public Works Department under the Commercial Improvement Programme to pave the subject alleyways in order that they can clean up parking, rear access to stores and businesses and garbage storage and clean-up.

JMcn:bk

Tom

cc: V. Zingaro, Senior Project Engineer
Roads Department

K. Christenson, Secretary
Transport and Environmental Committee



City of Hamilton

Business Improvement Area

1991 August 1

Hazel Milsome
Community Development Department
Public Works
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Hazel:

The Westdale B.I.A. would like to request the paving of the following alley ways as part of the Commercial Improvement Program. The alley ways are mainly used by business merchants.

We would also request that lighting be considered in this project to reduce vandalism in these areas (map attached):

South Side of King

North Side of King

Newton - Paisley
(Debra Harley - University
Court #4)

Paisley - Marion
(R. Goodes Golf - T.D.
Bank)

Marion - North Oval
(Hardware Store - Apts)

Marion - South Oval
(National Trust - Tim Hortons)

Your co-operation and assistance regarding this matter would be appreciated.

Yours truly,

Bill Dawson
Chairperson
Westdale B.I.A.

c.c. J. Pacey, M. Steenkist

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 15

REPORT TO: Charlene Couttes, Secretary
Planning & Development Committee

FROM: L. King
Building Commissioner

SUBJECT: Cash-in-lieu of Parking (92.4.2.1.A)

81 Dundurn Street South
848 Main Street East
859 King Street East

RECOMMENDATION:

- a) That the Cash-in-Lieu agreements for 81 Dundurn Street South and 848 Main Street East be rescinded by Council due to the lack of payments of moneys finalizing the agreements.
- b) That the Cash-in-Lieu payment application for 859 King Street East be denied for disposal.

L.C. King, P.Eng.
PCL/LCK/dm

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

a) 81 Dundurn Street South

Application for Cash-in-Lieu of parking was made in August 1989. On 1989 October 10, Council approved a Cash-in-Lieu agreement upon payment of \$80,000. Payment has never been made to finalize the agreement. Letters were sent to the owners in April 1990, December 1990, and again in 1991. The Helm Group, which made the original application, cannot be located for further correspondence.

b) 81 Dundurn Street South

Application for Cash-in-Lieu of Parking was made in June 1990. On 1990 June 26, Council approved the Cash-in-Lieu agreement upon payments of \$50,000. Payment has never been made to finalize the agreement. Letters were sent to the owners December 1990, and in 1991. The Helm Group, which made the original application, cannot be located for further correspondence.

c) 659 King Street East

Application was made in January 1990 for Cash-in-Lieu of Parking, however, in May 1990 the owner, Mr. George Blanas, asked for his application to be tabled pending the submission of further information.

The Cash-in-Lieu Committee has written several times to the owner and there has been no response. On this basis, it is recommended that the application be denied to dispose of the application.

CITY OF HAMILTON

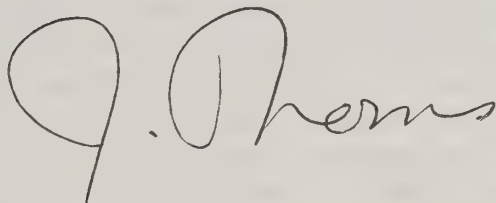
- INFORMATION -

DATE: 1992 January 15

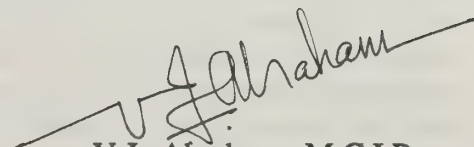
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Niagara Escarpment Planning Issues in the City of
Hamilton



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

In 1973, the Provincial Government introduced legislation establishing a new system of land use planning for lands encompassing, and immediately adjacent to, the Niagara Escarpment. The Niagara Escarpment Planning and Development Act established the Niagara Escarpment Commission (NEC), put in place a development control process involving the issuance of "development permits" for lands within the jurisdiction of the NEC and set out a process for the development of a "Niagara Escarpment Plan".

Since the legislation came into effect, the development permit system has superseded municipal land use planning criteria for the lands under NEC development control in Hamilton. Accordingly, individuals/corporations wishing to change a particular land use, build an addition to an existing structure or propose new construction, must submit an application directly to the NEC rather than the City. Staff of the NEC subsequently forward the development application to the City of Hamilton, but for comment and information only. After receiving the comments of the City and other agencies, NEC staff prepare a report for the Niagara Escarpment Commissioners, which then make a decision on the particular application.

The Niagara Escarpment Plan (NEP), which was approved by Provincial Cabinet in June, 1985, differentiated Niagara Escarpment lands into a number of designations that responded to the geo-physical characteristics of the lands and their proximity to the Escarpment (see Appendix A for a map of these designations in the City of Hamilton). In addition, the Plan provides a framework for municipalities to assume greater land use planning control for lands under NEC jurisdiction than what they had before.

As a first step to assuming greater municipal planning control, the NEC envisioned the administration of the development permit system would be delegated to Regional Municipalities that expressed a desire to assume the responsibility. The second step would involve the local municipalities reinstituting zoning and site plan control on the lands under NEC development control. However, prior to reinstituting zoning and site plan control, municipal official plans would have to be brought into conformity with the Niagara Escarpment Plan: since the NEP is a Provincial land use plan, the policies take precedence over municipal official plan policies.

In May, 1988, the Region of Hamilton-Wentworth prepared a report entitled Development Control in the Niagara Escarpment Planning Area in Hamilton-Wentworth for circulation to all Area Municipalities. The report examined the option of delegation of the development control system, or replacement by other forms of regulation. City Council responded by advocating the "retention of the existing development control system... for those areas designated Escarpment Natural" and "the City assume development control through zoning and site plan control for those areas designated Escarpment Protection and Urban".*

After the Area Municipalities had provided comments, Regional Council in February, 1989 indicated it would "not seek delegation of the development permit system to control development in the Niagara Escarpment Development Control Area". As well, Regional Council would "support any requests by the Area Municipalities to the Niagara Escarpment Commission... regarding the replacement of Niagara Escarpment Commission Development Control with zoning by-laws."

Parallel to these events, Planning and Development Committee in August, 1988, endorsed a work proposal that would bring Hamilton's Official Plan into conformity with the Niagara Escarpment Plan; funding of \$10,000 was secured from the Provincial Government for this exercise. Planning and Development Department staff and NEC staff liaised on a frequent basis to identify the various policy and schedule conflicts between the Hamilton Official Plan and the Niagara Escarpment Plan.

* "Escarpment Natural" is defined in the Niagara Escarpment Plan as "Escarpment features and associated stream valleys, wetlands and forests which are relatively undisturbed." Further, the NEP adds that these areas contain "important plant and animal habitats and geological features and are the most significant natural and scenic areas of the Escarpment."

In January, 1991, a draft report of the recommended policy and schedule changes that would bring Hamilton's Official Plan into conformity with the Niagara Escarpment Plan was forwarded to the NEC for a final comment prior to formal submission to the Planning and Development Committee. To date, there has been no formal response to our request for comments, although NEC staff have indicated verbally the work appears satisfactory and has responded to all their concerns.

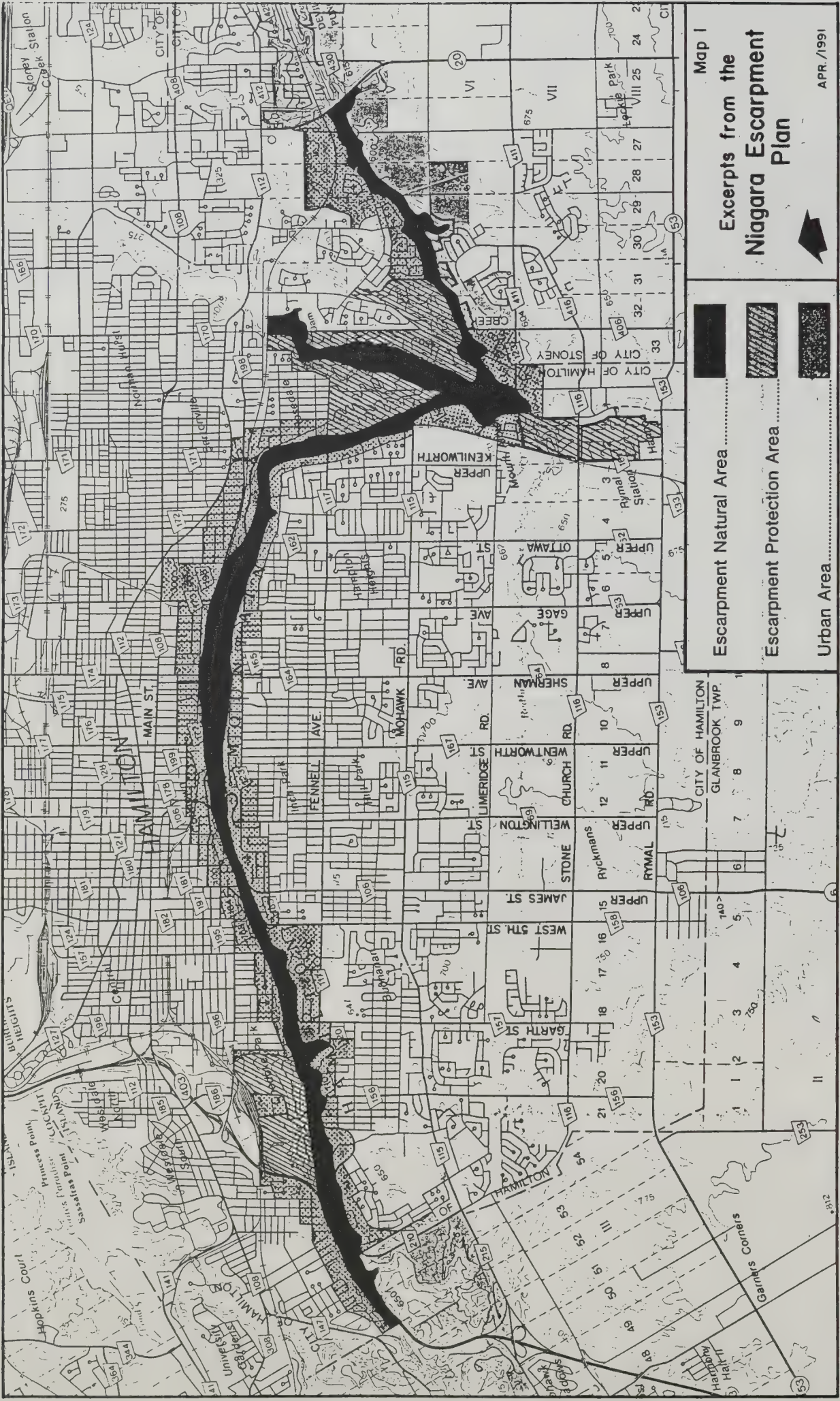
After Hamilton's Official Plan has been deemed by the Minister of the Environment to be in conformity with the NEP, the Hamilton Zoning By-law would then have to be brought into conformity with development criteria established by the NEC. After the Zoning By-law conformity has been completed, the City would be in a position to formally request the Minister of the Environment to rescind the Development Control Area in the City of Hamilton and reinstitute zoning and site plan control.

The NEC has also recently undertaken a formal five-year review of the Niagara Escarpment Plan, as required by the Niagara Escarpment Planning and Development Act. A number of background policy papers were prepared as part of the review process, along with the release of a formal Five Year Plan Review document which detailed all the proposed changes to the Niagara Escarpment Plan.

In June, 1991, City Council passed a resolution objecting to the Five Year Plan Review document pertaining to the Mohawk Sports Park and Sam Lawrence Park. In both instances, the proposed Niagara Escarpment Plan revisions would involve a redesignation of lands from "Urban" to "Escarpment Protection". The concern of the City is that this would affect possible future development in both these locations as permitted uses under the "Escarpment Protection" designation are more restrictive than permitted uses under the "Urban" designation.

In December, 1991, the City outlined its concerns to a formal hearing that has been convened to allow the public and affected municipalities to respond to the proposed changes identified in the NEC's Five Year Plan Review document. Final arguments in regard to the City's concerns have yet to be made to the hearing officers; further, the Minister of the Environment makes the final decision based on the recommendations of the hearing officers. At present, there is no clear sense of the anticipated timing of this decision.

KE/



Map I
Excerpts from the
Niagara Escarpment
Plan

APR./1991

- Escarpment Natural Area.....
- Escarpment Protection Area.....
- Urban Area.....

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 14
(Central Neighbourhood: ZA-91-55)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification of zoning - Nos. 131 - 133 Market Street.

RECOMMENDATIONS:

- A. That approval be given to Zoning Application 91-55, Vedemo Construction Limited, owner, for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit the temporary use of lands for parking purposes for a three-year period in accordance with Section 38 of the Planning Act, for property located at Nos. 131 - 133 Market Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-Law No. 6593, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of lands for parking of motor vehicles accessory to the use of land at No. 206 King Street West, for a three year period, and subject to the following variances as special requirements:
 - a) that the parking lot shall only be accessory to the use of land at No. 206 King Street West;
 - b) that a minimum front yard set back of 3.0m shall be required and shall be provided and maintained as a planting strip;
 - c) that no vehicular access to or egress from Market Street shall be permitted;

- d) that a minimum 1.5m wide planting strip shall be provided and maintained along the easterly and westerly property lines;
 - e) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained within the front yard; and,
 - f) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the easterly and westerly property lines;
 - ii) That the amending By-Law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9 be notated S - ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Map W-9 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan for the parking lot and registers the site plan on title.

EXPLANATORY NOTE:

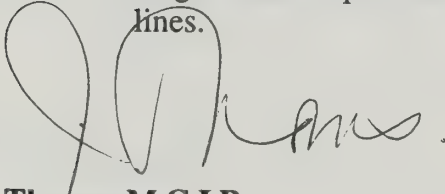
The purpose of the By-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District regulations applicable to property located at Nos. 131-133 Market Street, as shown on the attached map.

The effect of the By-law is to permit the temporary use of the lands for parking purposes accessory to the use of land at No. 206 King Street West (Hamilton Store Fixtures Limited), for a three year period in accordance with Section 38 of the Planning Act or the period during which the owner of the land at the date of passing of this By-Law continues to be the owner thereof, whichever is the lesser.

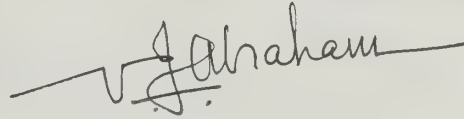
In addition, the By-Law provides for the following variances as special requirements:

- a) that a minimum front yard set back of 3.0m shall be required and shall be provided and maintained as a planting strip;
- b) that no vehicular access to or egress from Market Street shall be permitted;
- c) that a minimum 1.5m wide planting strip shall be provided and maintained along the easterly and westerly property lines;

- d) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained in the front yard; and,
- e) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the easterly and westerly property lines.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
 N/A

BACKGROUND:

- Proposal

The purpose of the proposed modification is to permit the use of the subject property for temporary parking (3 years) for the staff of Hamilton Store Fixtures Limited located at No. 206 King Street West.

APPLICANT:

Vedemo Construction Limited, owner.

LOT SIZE AND AREA:

- 11.98m (39.33 ft.) of lot frontage on Market Street;
- 40.23m (132.0 ft.) of lot depth; and,
- 482.295m² (5,191.56 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"E-3" (High Density Multiple Dwellings) District

Surrounding Lands

to the north	single-family dwelling, row dwellings and an apartment building	E-3" (High Density Multiple Dwellings) District
to the south	commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	single-family dwellings	"E-3" (High Density Multiple Dwellings) District
to the west	single-family dwellings	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule A - Land Use Concept Plan of the Official Plan, and are subject to, among others, the following policies:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- 1) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.
- B.3.3.9 In accordance with the Planning Act, and Subsection D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) the use of such vacant lands for the temporary PARKING will not exceed three (3) years; and,
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approved period where specific application to Council for such extended approval is made."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "HIGH DENSITY APARTMENTS" on the approved Central Neighbourhood Plan. The proposed temporary use of lands for parking purposes would not prejudice the future use of this site for multiple residential use. In this regard, redesignation to "COMMERCIAL" is not recommended.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - " 1. A parking lot is not permitted in an E-3 residential district.
 - 2. It is recommended that the lands being used for parking, be accessory to the use of 206 King Street West and a time limit also.
 - 3. No concept drawing or survey submitted to determine compliance with the zoning regulations."
- The Hamilton Wentworth Engineering Department has advised that:
 - " There are public watermains and combined storm and sanitary sewers available to service these lands. Any works within the road allowance must conform to the City's Streets By-Law

This site should be developed through site plan control.

According to our records, the alleyway to the rear of the subject lands is public assumed."

- The Traffic Department has advised that they:
 "...find it satisfactory provided that the site is placed under site plan control."
- The Hamilton Region Conservation Authority and Go-Transit have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan which provides for the temporary use of vacant lands for parking.
2. The proposal conforms with the provision of Section 38 of the Planning Act R.S.O.
3. Approval of the application would not prejudice the future use of this site for multiple residential development in accordance with the approved Central Neighbourhood Plan. In this regard, redesignation would not be appropriate.
4. The application has merit and can be supported for the following reasons:
 - i) the proposal represents an interim type use which would not prejudice the future intended use of the site for "High Density Multiple Residential" development;
 - ii) it will provide an opportunity to clean up and improve the appearance of the site which is presently unkempt; and,
 - iii) it complies with the intent of the Official Plan to permit use of vacant lands for temporary parking.
5. Since the subject lands are located within an established residential area, it would be appropriate to apply the following variances as special requirements to mitigate spill-over effects:
 - i) to require a minimum front yard set back of 3.0m on Market Street, which is consistent with the established street line, and to maintain it as a planting strip;
 - ii) to prohibit vehicular access to/from Market Street;
 - iii) to require a minimum 1.5m wide landscape strip to be provided and maintained along both the westerly and easterly property lines;
 - iv) to require a visual barrier not less than 1.2m in height and not greater than 2.0m in height to be provided and maintained within the front yard;

- v) to require a visual barrier not less than 1.2m in height and not greater than 2.0m in height to be provided and maintained along both the easterly and westerly property lines.

It has been suggested by the Building Department that the parking lot be accessory to the use of No. 206 King Street West, and that the amending By-Law include this as a special provision.

- 6. The "E-3" (High Density Multiple Dwellings) District is subject to Site Plan Control. However, a parking lot does not require a building permit, therefore, to ensure orderly development, it is suggested that the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval and registers it on title.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
ZA9155

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 14
 ZA-91-66
 Corktown Neighbourhood

REPORT TO: Tina Agnello, Secretary
 Planning and Development Committee

FROM: Mr. J. D. Thoms
 Commissioner of Planning and Development

SUBJECT: Request for an Official Plan Amendment and a
 modification in zoning - No. 121 Augusta Street.

RECOMMENDATIONS:

1. That approval be given to Official Plan Amendment No. to establish a "SPECIAL POLICY AREA" to permit general offices within the existing building, for property municipally known as No. 121 Augusta Street, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to amended Zoning Application 91-66, Jack Beume Real Estate Ltd, prospective owner, requesting a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices only within the existing building, for property located at No. 121 Augusta Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations, as contained in Section 17B of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 17B(4) of By-law No. 6593, the following shall be permitted:
 1. general offices, only within the existing building;
 2. a ground sign in the front yard of an area of not more than

1.2 square metres and a height of not more than 1.2 m and either non-illuminated or illuminated by non-flashing, indirect, or interior means only;

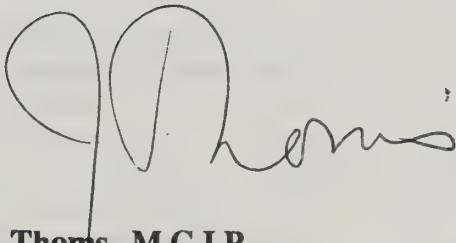
- b) That notwithstanding Section 18A(7), three of the required parking spaces shall have a length of not less than 5.2 m;
 - c) That Section 18A(9) shall not apply to the required loading space;
 - d) That Section 18A(11)(b) shall not apply;
 - e) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.0 m in height shall be provided and maintained along the easterly lot line adjoining the parking area;
 - f) That Section 18A(14) shall not apply;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
3. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has:
- a) applied for and received approval of a site plan, registered on title, for the parking area; and,
 - b) entered into an encroachment agreement with the City of Hamilton for the concrete pedestal that presently encroaches into the road allowance.

EXPLANATORY NOTE:

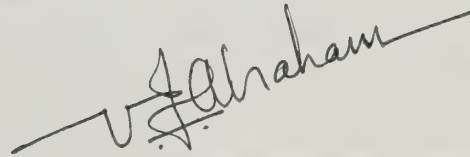
- 1. City Council will adopt Official Plan Amendment No. to establish a "SPECIAL POLICY AREA" to permit general offices only within the existing building, for property located at No. 121 Augusta Street.
- 2. The purpose of the By-law is to establish a modification to the existing "L-mr-2" (Planned Development - Multiple Residential) District regulations, for property located at No. 121 Augusta Street, as shown on the attached map.

The effect of the By-law is to permit use of the existing building for general offices. In addition, the By-law establishes the following variances as special requirements:

- a ground sign of not more than 1.2 square metres in area and 1.2 m in height shall be permitted in the front yard and shall be either non-illuminated or illuminated by non-flashing or indirect means only;
- three parking spaces may have a length of not less than 5.2 m whereas a length of 6.0 m is required;
- seven of the required parking spaces are located in the front yard whereas no parking spaces are permitted in the front yard;
- manoeuvring for the required loading space will be located off-site;
- a portion of the parking area will be located within 3.0 m of the residential district to the east whereas the parking area should be set back at least 12.0 m;
- a visual barrier of not less than 1.0 m in height shall be permitted along the easterly lot line adjoining the parking area whereas a visual barrier of not less than 1.2 m nor greater than 2.0 m in height is required.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The existing building was constructed in 1928 for a flour mill by the Lake of the Woods Milling Company. Currently the building is used as a warehouse. The applicant is seeking the modification in zoning to permit general offices only within the existing building. Fifteen parking spaces and one loading space are to be provided on-site.

APPLICANT:

Jack Beume Real Estate Ltd., prospective owner.

LOT SIZE AND AREA:

The subject lands have:

- 29.98 m (98.39 feet) of lot frontage on Augusta Street;
- 40.23 m (132 feet) of lot frontage on Baillie Street; and,
- 1,206 m² (12,987 square feet) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	warehouse	"L-mr-2" (Planned Development - Multiple Residential) District
<u>Surrounding Lands</u>		
to the north, south, and west	single-family homes	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the east	vacant building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies are applicable:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will

be permitted, including, but not limited to:

- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

The proposal is to use the existing building for general offices. Such a use is not permitted in an area designated "RESIDENTIAL" on Schedule "A" of the Official Plan. Further, the proposed use cannot be considered a "Local Commercial Use" as it does not serve the daily retail needs of the surrounding community. Accordingly, should the application be approved, an Official Plan Amendment, to establish a "Special Policy Area", is required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "MEDIUM DENSITY APARTMENTS" on the approved Corktown Neighbourhood Plan. The proposal does not comply with the intent of the Neighbourhood Plan; however, an amendment to the Plan is not recommended as the designation should reflect the long term intended use. Therefore the lands should remain under the "MEDIUM DENSITY APARTMENTS" designation.

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

- Ministry of the Environment;
- Hamilton Region Conservation Authority; and,
- Heritage Planning Staff.

- The Traffic Department has advised that:

"The applicant's submission estimates that, if approved, this existing building could house 50 to 60 employees. The parking generated by this number of employees, in addition to the requirements for customers and deliveries, will easily overflow the proposed fifteen parking spaces. The resulting parking overflow will aggravate the already critical parking situation in this residential area. As a result, we are not in a position where we can support the introduction of this commercial use to this residential area.

If offices are allowed, we recommend that parking space #15 be placed next to space #14 and the area behind the building be used for loading. We further

recommend that the offices be restricted to general offices so that Zoning By-law parking requirements can be met. Medical offices would be required to provide 37 spaces and would place an additional burden on the on-street parking situation."

And further advised verbally:

"We would support a variance to permit off-site manoeuvring for the required loading space."

- The Building Department has advised that:

- "1. A general office use is not permitted.
2. A floor area of 1,380 m² requires fifteen (15) parking spaces and one (1) 3.7 m x 9.0 m x 4.3 m loading space.
3. Parking space #8 and #9 and possible #7 do not provide the minimum 6.0 m length.
4. Six (6) of the required parking spaces are located in the front yard.
5. No portion of the parking area shall be located in the front yard within 3.0 m of the residential district to the east.
6. A 1.2 m to 2.0 m high visual barrier is required along the easterly lot line.
7. The parking space at the rear of the existing building does not provide the 3.7 m manoeuvring space aisle width for the parallel parking space.
8. A ground sign is not permitted.
9. The ground sign is located in the front yard.
10. The proposed roof projection is over the road allowance of Baillie Street and may require an encroachment agreement with the Regional Engineering Department.
11. An existing air conditioning unit and a concrete pedestal encroach into the road allowance which also may require an agreement with the Regional Engineering Department.
12. This property is located in and may be subject to Site Plan Control By-law No. 90-285."

• The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

According to plans submitted by the applicant, the existing air conditioner and concrete pedestal encroach into the Baillie Street road allowance. It also appears from this application that the owner intends to construct a new roof which will overhang 1.2 m into the Baillie Street road allowance. This type of encroachment is not permitted by the City of Hamilton Streets By-law and the plans must be revised to show the encroachment removed from the Baillie Street road allowance.

As a condition of approval we recommend that the applicant/owner enter into an encroachment agreement with the City of Hamilton for the concrete pedestal and air conditioner which presently encroach into the road allowance.

We recommend the visual barriers be setback a minimum of 3 metres (prefer 5) from the street lines.

We require 5 m x 5 m daylight triangles between the property lines and the edge of the accesses onto Baillie Street and Augusta Street. We also recommend that the subject lands be developed through site plan control and we will provide more detailed comments on setbacks, grading, and landscaping et cetera."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to establish a "Special Policy Area" to permit general offices within the existing building.
2. The proposal does not comply with the intent of the approved Corktown Neighbourhood Plan. However, should the application be approved, a redesignation is not recommended.
3. The proposal has merit and can be supported for the following reasons:
 - i) it is an adaptive re-use of an existing older industrial building which will improve its appearance within the neighbourhood;
 - ii) the change of use within the existing building will not prejudice future development of the lands in accordance with the approved Corktown Neighbourhood Plan; and,
 - iii) the proposed use would be more compatible than the established non-conforming storage warehouse with the existing residential neighbourhood.

4. With regard to the concerns of the City Traffic Department, it is noted that the applicant is proposing to provide parking in accordance with the requirements of Zoning By-law No. 6593. Further, the application has been amended to include the required loading space and eliminate the roof projection. The applicant's architect has also advised that the air conditioner will be removed.

5. The following variances have been identified:

- Ground Sign (Section 17B(4))

A ground sign of 1.2 m in height is proposed to be located in the front yard, notwithstanding that a ground sign is not a permitted use nor is it permitted in the front yard. A variance to permit the ground sign can be supported as the ground sign should not intrude in the neighbourhood in the way a larger or lit sign (such as a pylon sign or a mobile sign) would. The appropriate means of regulating the sign would be to specify a maximum area of 1.2 square metres and also to require either non-illumination or indirect non-flashing illumination only.

- Parking Space Length (Section 18A(7))

Three of the parking spaces are proposed to be 5.2 m in length whereas By-law No. 6593 requires a parking space length of 6.0 m. A variance to reduce the length of the parking spaces can be supported as the property narrows due to the location of Augusta Street thus reducing the land available for parking. The applicant may wish to erect signs designating these parking spaces for small cars only.

- Manoeuvring for the Loading Space (Section 18A(9))

One 3.7 m x 9.0 m x 4.3 m loading space is to be provided at the rear of the existing building. However, due to the location of the existing building and the lot width, the required manoeuvring space will be off-site (i.e. on Baillie Street). A variance to permit the off-site manoeuvring can be supported due to the existing conditions and the support for this variance by the City Traffic Department.

- Required Parking Adjoining a Residential District (Section 18A(11))

The adjoining property to the east of the subject lands is zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified. Section 18A(11) of Zoning By-law No. 6593 requires a minimum front yard setback for the parking area (for that portion of the parking area within 3.0 m of a residential district) on the subject lands equivalent to that required for the adjoining "E" zoned land. This would require a setback of the parking area of approximately 12.0 m (40 feet). The constraints on the site (building

placement and lot site) necessitate the provision of parking within the front yard in order for the applicant to supply the parking as required by Zoning By-law No. 6593. Therefore, a variance to eliminate this requirement can be supported.

- Visual Barrier - Easterly Lot Line (Section 18A(12)(c))

As the easterly lot line adjoins a multiple-family residential district, a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is required. There is an existing concrete wall located along the easterly lot line which is 1.0 m in height at its lowest point and rises to a maximum height of 4.6 m near the existing building. The applicant is proposing to extend the concrete wall to the building. A variance to reduce the height of the visual barrier can be supported as the adjoining property to the east is currently used for warehouse/wholesale uses, notwithstanding the fact that it is zoned for residential use. A portion of the wall will be lower than the 1.2 m minimum height by 0.2 m (6 inches) which is minor in nature.

- Required Parking in the Front Yard (Section 18A(14))

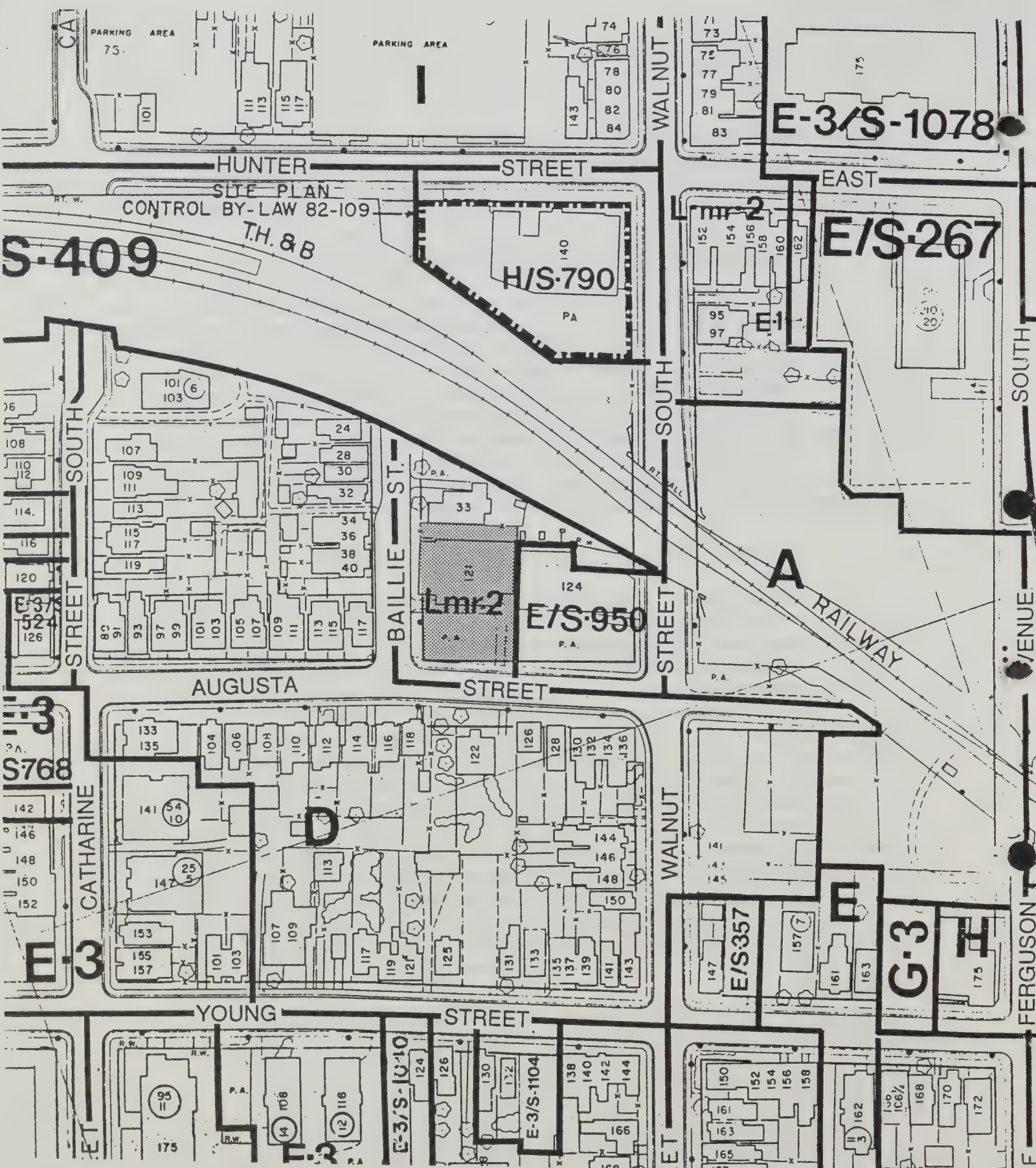
Seven of the required fifteen parking spaces are proposed to be in the required front yard. A variance to permit these parking spaces in the front yard can be supported as the placement of the existing building on the lot necessitates provision of the parking spaces in the required front yard in order for the applicant to supply the minimum number of parking spaces required by Zoning By-law No. 6593.

6. The lands are subject to Site Plan Control By-law No. 90-285. There are outstanding concerns to be resolved respecting the parking area which should appropriately be addressed through the site plan process. The Building Department has advised, however, that a parking lot does not require a building permit and the City would have no means to enforce the site plan process unless the amending By-law is held in abeyance until the site plan is finalized. Therefore, it would be appropriate that the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of site plans, registered on title, for the parking area.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

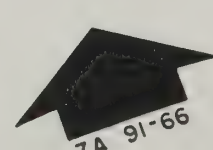
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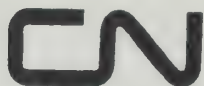


Site of the Application



"Copy sent to Victor Abraham, Director of Local Planning;
and Patrice Johnson, City Solicitor - Law Department;
- 1992 January 14".

4.(a)



Engineering Services
Southern Ontario District
Suite 401
277 Front Street West
Toronto Ontario
M5V 2X7

10 January 1992

Your File ZA-91-66

Secretary
Planning and Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton Ontario
L8N 2T4

RECEIVED

JAN 13 1992

Dear Sir Madam

CITY CLERKS

Re: **Proposed Zoning By-law Amendment**
121 Augusta Street

We have reviewed your submission dated 27 December 1991 regarding the above noted proposal and offer no objection

Yours truly

Karen Fraser

Karen Fraser
for M.P. Murphy, P.Eng
Manager Engineering Services

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 15
(Beasley Neighbourhood: ZA-91-68)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change and a modification in zoning -
Nos. 261 and 263 Wellington Street North.

RECOMMENDATIONS:

- A. That approval be given to Zoning Application 91-68, 467052 Ontario Ltd. (E. Kennish, President), owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified (Block "1"), and for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit a parking lot on property located at Nos. 261 and 263 Wellington Street North, to be used only in conjunction with the Tim Horton's Donut Shop located on adjoining lands at No. 222 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That Block "1" be rezoned from "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - 1. that a parking lot shall be permitted only accessory to the use of land located at No. 222 Barton Street East, subject to the following:
 - a) that a minimum front yard set back of 3.0m shall be required and shall be provided and maintained as a landscaped strip, except for that area required for a driveway access onto Wellington Street North;

- b) that a minimum 1.5m wide planting strip shall be provided and maintained along the southerly lot line;
 - c) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the southerly lot line;
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-12 be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-Law No. 6593 and Zoning District Map E-12 for presentation to City Council;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval, and registers the site plan on title.

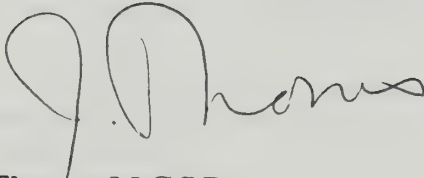
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified (Block "1"), and to modify the "H" (Community Shopping and Commercial, etc.) District (Block "2"), for property located at Nos. 261 and 263 Wellington Street North, as shown on the attached map.

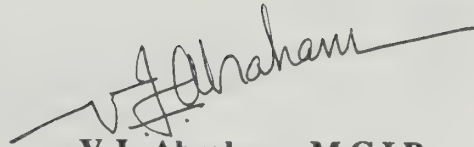
The effect of the By-law is to permit a parking lot on the subject lands to be used only in conjunction with the Tim Horton's Donut Shop located on adjoining lands at No. 222 Barton Street East.

In addition, the By-law provides for the following variances as special requirements:

- that a minimum front yard set back of 3.0m shall be required which shall be provided and maintained as a landscaped strip, except for that area required for a driveway access onto Wellington Street North;
- that a minimum 1.5m wide planting strip shall be provided and maintained along the southerly lot line;
- that a visual barrier not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained along the southerly lot line.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of the proposed change and modification in zoning is to permit the use of the subject property for parking purposes in conjunction with the Tim Horton's Donut Shop at No. 222 Barton Street East.

APPLICANT:

467052 Ontario Ltd. (E. Kennish, President), owner.

LOT SIZE AND AREA:

The subject lands are located on the west side of Wellington Street North and have:

- a combined lot frontage of 14.63m (48.0 ft.);
- a lot depth of 35.05m (115.0 ft.); and,
- a combined lot area of 510.48m² (5,495 sq. ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant lands and a vacant single - family dwelling	"D" (Urban Protected Residential, One and Two - Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District

Surrounding Lands

to the north	single-family dwelling and commercial	"H" (Community Shopping and Commercial, etc.) District
to the south	single-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District
to the east	single-family dwellings and row dwellings	"H" (Community Shopping and Commercial, etc.) District
to the west	parking lot	"JJ" (Restricted Light Industrial) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" and are located within "SPECIAL POLICY AREA 3" on Schedule "B", SPECIAL POLICY AREAS of the Official Plan. The following policies, among others, would apply:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan.
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan."

It should be noted that the subject lands are also located within SPECIAL POLICY AREA 3. It is the intent of this Special Policy Area to promote and protect housing in close

proximity to the downtown and to encourage the relocation of non-residential uses from predominantly stable residential areas.

However, SPECIAL POLICY AREA 3 does not apply to this application, as the subject lands are located in an extended commercial area, not in a residential area.

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Beasley Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. It is recommended that the lands being used for parking be accessory to the use of 222 Barton Street East.
 2. The existing residential building requires demolition approval by the Planning and Development Committee under the Demolition Control By-Law.
 3. The lands are located in an area controlled by Site Plan Control By-Law 90-285.
 4. The proposed parking area is abutting a residential district to the south, therefore it is recommended that the requirements of Section 18A(11) and (12) of By-Law 6593 be applicable."
- The Traffic Department has advised that:

"The Traffic Department supports the use of these properties for parking and suggests a "G-3" zoning would be more appropriate. We request that the By-Law not be forwarded to Council until a site plan is approved for this development.

A "H" zoning would allow for various commercial uses that may impact the adjacent roadways. If a "H" zoning is granted for these properties, we request that it be placed under site plan control so that we may review any development proposals.

The applicant has submitted a preliminary site plan that locates the access for the parking lot adjacent to the unassumed alleyway. This would create an 11 metre driveway. This would be unacceptable to this Department. The driveway should be combined with the unassumed alleyway and an amendment made to the zoning by-law to allow this area to be used for manoeuvring. This would allow for a larger landscaped area adjacent to the existing "D" zoning."

- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. The designated road allowance width of Wellington Street North is 26.21m. Therefore, as a condition of development approval, we recommend that the required road widening of approximately 3.161m in width be dedicated to the Region. We also recommend that either the zoning requested be changed to "G-3" zone for parking or if the "H" zone district is retained, we recommend that these lands be developed through site plan control. In this manner, we can comment on grading, access, landscaping, sight distances, parking layout etc. on Wellington Street to ensure these lands are compatible with the road grades etc.

According to the plans submitted, the existing house and veranda encroach into the existing Wellington Street North road allowance. We understand that these buildings will be demolished and the encroachments removed from the road allowance. Any other works which may occur within the road allowance, as widened, must conform to the Region's Roads Use By-Law.

The location of access will be determined at the site plan stage since it appears from our records that the alley adjacent to and to the rear of the subject lands is public unassumed. As such, the City cannot guarantee free and clear access to the proposed parking area from the public unassumed alley. The site plans submitted are not to scale and must be revised and resubmitted accordingly."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

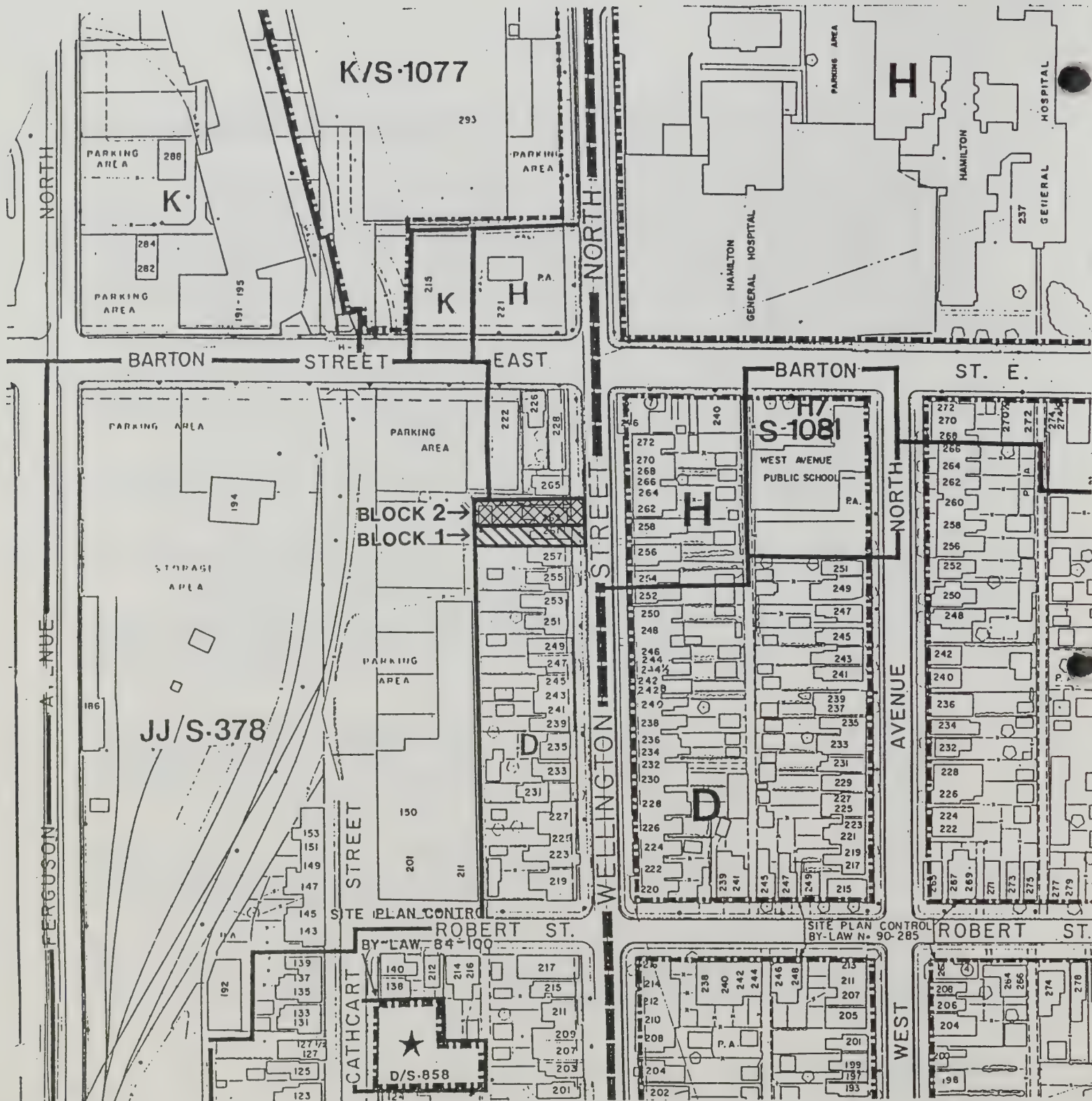
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Beasley Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - i) it implements the intent of the "CENTRAL POLICY AREA" designation of the Official Plan which provides for a variety of uses where compatibility among other uses can be achieved;
 - ii) it implements the intent of the "COMMERCIAL" designation on the approved Beasley Neighbourhood Plan;
 - iii) it would be compatible with existing and proposed development in this area;
 - iv) the parking lot will be accessory to the Tim Horton's Donut Shop located on the adjoining lands to the north at No. 222 Barton Street East;

- v) it will provide an opportunity to clean up and improve the appearance of the site which is presently unkempt.
4. Although the lands are located immediately adjacent to established residential development to the south, the provisions of Section 18A of Zoning By-Law No. 6593 would not apply, as the proposed parking is not required. Accordingly, in order to mitigate spill-over effects of the parking lot and to improve the Wellington Street North streetscape, the amending By-Law should provide for the following variances as special requirements:
 - i) that a minimum front yard set back of 3.0m be required which should be provided and maintained as a landscaped strip, except for that area required for a driveway access onto Wellington Street North;
 - ii) that a minimum 1.5m wide planting strip be provided and maintained along the southerly lot line;
 - iii) that a visual barrier not less than 1.2m in height and not greater than 2.0m in height be provided and maintained along the southerly lot line;
 - iv) as recommended by the Building Department, the lands to be used for parking should only be accessory to the use of land at No. 222 Barton Street East (Tim Horton's Donut Shop).
 5. With regard to the comments of the Traffic Department, the entire Beasley Neighbourhood is subject to the provisions of the Site Plan Control By-law. In addition, the proposed "H" zoning should be restricted in the amending By-law to permit only parking accessory to the use at No. 222 Barton Street East.
 6. As a parking lot does not require a building permit, it is suggested that the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval, and registers the site plan on title.
 7. As noted by the Building Department, the existing residential building is to be demolished and requires demolition approval by the Planning and Development Committee under the Demolition Control By-law.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
ZA9168



Change in zoning from:

BLOCK 1



"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
To: "H" (Community Shopping and Commercial, etc.) District, modified.

BLOCK 2



Modification to the "H" (Community Shopping and Commercial, etc.) District.



ZA-91-68

APPENDIX A

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 15
ZA-91-51
Greeningdon Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

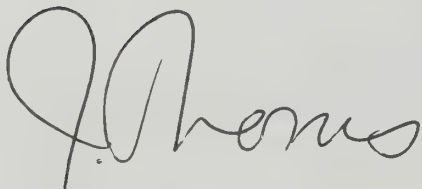
Request for an Official Plan Amendment and Modification in Zoning - No. 1051 Upper James Street.

RECOMMENDATION:

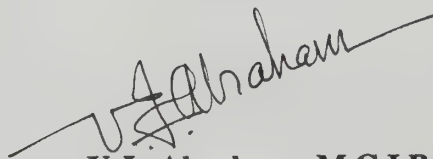
That Zoning Application 91-51, Harnox Holdings Ltd, owner, requesting a modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, to permit a 48 bed adult Community Correctional Centre (jail), for the property located at No. 1051 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reason:

- a) the function of a Community Correctional Centre resembles a 'Residential Care Facility', in that residents live on the premises for social and emotional reasons and for the purposes of achieving well being through self-help and/or counselling programs. Residential Care Facilities are permitted 'as-of-right' in other Commercial Districts such as the "H" (Community Shopping and Commercial, etc.) District and the "I" (Central Business) District with a maximum capacity of 20 residents.

The proposed capacity of 48 residents is 2.4 times higher than the number of residents permitted in other commercial districts and would result in the creation of an 'Institutional' use. The proposal is contrary to the intent and philosophy of the by-law which was designed to promote smaller facilities which approximate a family living environment.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is applying for a modification in zoning to permit the conversion of a portion of the existing building to a 48 bed Community Correctional Centre (C.C.C.) for adults. The C.C.C. would be operated by Correctional Service of Canada.

The remaining portion of the building would be used for parole offices and meeting rooms for use by staff/residents for training sessions. At the present time, the building contains a gym on the third floor, and other facilities such as weight rooms, a laundry room and games rooms are proposed. It is Correctional Service of Canada's desire to centralize their existing facilities (i.e. offices, programs).

The Ministry is looking to increase the number of beds within Hamilton to accommodate persons returning from prison. Approximately 100 persons per year are sent to federal institutions from Hamilton.

- Function of Facility

A Community Correctional Centre houses day parole inmates who work and/or attend school in the day and return to the C.C.C. at night. "The Centre's function is to assist inmates in their reintegration from a major institution into the community as responsible citizens. Residents are responsible and held accountable for their behaviour in the community."

The proposed design of the centre will include 9 modules which have between 5 and 6 bedrooms centred around a kitchen, living area and a bathroom. Each resident is expected to cook his own meals, clean the module, do his own laundry, etc. The aim of the Centre is to approximate a family living environment. Each resident is expected to provide his own food and other amenities. If he is not working, then a small allowance is given to cover all expenses, except accommodation. However, if the resident is working, then he must pay rent.

Twenty-four hour security is provided. In some cases, there are Living Unit Officers which reside on the premises. Parole Officers work at the centre during the day.

Part of the release program includes a "Living Skills" program which aims to teach residents skills such as literacy, family life/parenting skills, living without violence, etc. These programs are intended to be provided within the building.

- Existing Building

At the present time, the building is used by the Ministry of Social Services for a Juvenile Detention Centre having 20 beds. At one time, a portion of the building was leased by Canada Post.

Renovations to the building would be required in excess of \$2 million to upgrade the facility.

LOT SIZE AND AREA:

- 61 m (200 ft.) of lot frontage on Upper James Street;

- 40.3 m (132.27 ft) of lot depth; and,
- 2,457.8 m² (26,454 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Juvenile Detention Centre	"HH" (Restricted Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north, south and west	commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
to the east	single-family dwellings, townhouses	"C" (Urban Protected Residential, etc.) District
		"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following polices apply, among others:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable."

The proposal does not conflict with the intent of Policy A.2.6.3, which permits Institutional uses within "COMMERCIAL" designations. However, Policy A.2.2.1 states that Institutional uses must be designated in Neighbourhood Plans. Since, there is no approved Plan for the Greeningdon Neighbourhood, the proposal conflicts with Policy A.2.2.1.

If the application is approved, an Official Plan Amendment would be required to create a Special Policy Area, to permit the proposed Community Correctional Centre within the "COMMERCIAL" designation.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Greeningdon Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agency have no comments or objections:

- Building Department;
- Freeway Office;
- Traffic Department; and,
- Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Police Department has advised that:

"Our police station has been apprised by Correctional Services Canada of their plans for No. 1051 Upper James Street and support the concept."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper James Street is 36.58 m. This use for this re-zoning is considered to be a redevelopment of this site. We recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance. Our records indicate this widening to be a strip of land 3.048 m in width along the entire frontage of lands to be developed. If the parking/paving is to be retained within the Upper James Street road allowance, as widened, the applicant requires paving/boulevard parking agreements with the Region. All works, if any, within the road allowance must conform to the Region's Roads Use By-law."

COMMENTS:

1. The proposal does not comply with the Official Plan. An amendment is required to create a "Special Policy Area" to permit the proposed Institutional use within the "COMMERCIAL" designation.
2. There is no approved Plan for the Greeningdon Neighbourhood.
3. The Building Department has advised that for purposes of By-law interpretation, the Community Correctional Centre is defined as a 'jail'.
4. The following is a summary of the positive and negative aspects of the proposed 48 bed adult Community Correctional Centre:
 - Positive
 - a) it is located on a public transit route which is an important locational criteria for such a facility since the residents do not own cars and are expected to attend school and/or work in the community;
 - b) it is located on a major arterial road in close proximity to support services, such as commercial and community facilities;
 - c) the proposed use is compatible with the existing development in the area including commercial uses to the north, south and west;
 - d) a similar use (juvenile detention home) has existed at this location for a number of years. In addition, Correctional Service of Canada contracts out beds to other homes in Hamilton (St. Leonards House) with no apparent detrimental effect on the community;
 - e) C.C.C.'s are a benefit to society, in that they provide support services and guidance necessary to allow parolees to return to the community as responsible citizens; and,

- f) the building will be wholly occupied by one user. In addition, it would allow Correctional Service of Canada to centralize their facilities (parole offices) and to provide the necessary space to accommodate their Life Skills and other programs within one building.

- Negative

- a) the function of a Community Correctional Centre resembles a 'Residential Care Facility', in that residents live on the premises for social and emotional reasons and for the purposes of achieving well being through self-help and/or counselling programs. Residential Care Facilities are permitted 'as-of-right' in other Commercial Districts such as the "H" (Community Shopping and Commercial, etc.) District and the "I" (Central Business) District with a maximum capacity of 20 residents.

The proposed capacity of 48 residents is 2.4 times higher than the number of residents permitted in commercial districts and would result in the creation of an 'Institutional' use. The proposal is contrary to the intent and philosophy of the by-law which was designed to promote smaller facilities which approximate a family living environment.

Although the Department supports the concept of providing for an accessible residential community, the proposal as submitted, cannot be supported, as the requested capacity (48 beds) would have the effect of creating an 'Institution'.

Since the Community Correctional Centre is similar in function to that of a residential care facility, it would be appropriate to limit the size of the facility to 20 residents in keeping with the intent of the Residential Care Facilities By-law. Furthermore, this is consistent with the capacity of the Juvenile Detention Centre which currently exists on-site.

However, the applicant has advised that a 20 resident capacity is unacceptable.

- 5) For the information of the Committee, these facilities (jail) are permitted in other zoning districts in the City including the "H" (Community Shopping and Commercial) District, provided it is 30 m away from a residential district; "I" (Central Business) District; "J" (Light and Limited Heavy Industry, etc.) District; "JJ" (Restricted Light and Limited Heavy Industrial, etc.) District; "K" (Heavy Industry) District; and the "KK" (Restricted Heavy Industry) District.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma

CALEDON

G-3

HH

ALDRIDGE STREET

STREET

HH

G-3₁₀

TRANS. STREET

JAMES STREET

UPPER

BOULEVARD

VICTOR

VICTOR BLVD.

C STREET

GOLD

LIMERIDGE ROAD

WEST

WEST

LIMERIDGE ROAD

ROAD

EAST

D/S-194

C

HH

D/S-57

POOL

PILE

STORAGE AREA

FILL

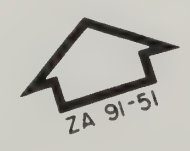
MOUNTAIN

FREEWAY

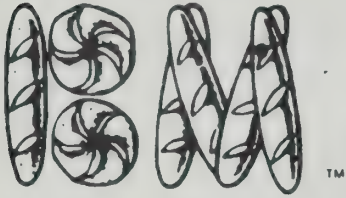
Legend



Site of the Application



APPENDIX A



BUNS MASTER BAKERY

(499235 ONTARIO LTD.)

1050

~~1565~~ Upper James St., Hamilton, Ontario L9B 1K2

Telephone: (416) 387-0243

RECEIVED

JAN 6 1992

CITY CLERKS

Sirs/Madame:

I have taken several tours of the facility at 1051 Upper James St. The size, of the building and area, ~~of~~ its location is not appropriate for a "Adult Community Correctional Centre" also referred to as a "half way house". There are no grounds / green grassy areas ~~on~~ this lot and the building is very compartmentalized and restrictive. In real terms, this forces the inmates to look for more comfortable / less restrictive surroundings. I would suggest more appropriate buildings be investigated.

Yours Truly

Michael Lyan
Owner Buns Master Bakery

PROPOSED CHANGE - MODIFICATION TO THE HH DISTRICT REGULATIONS
PROPERTY DESCRIPTION - NO 1051 UPPER JAMES STREET

I AM IN FAVOUR OF ()

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION

.....
499235 ONTARIO L OR OCCUPANT
EUNSMASER BAKERY
1050 UPPER JAMES ST
HAMILTON ONTARIO

L9C 3A9

.....
FILE-ZA91-51

SEQ-00097

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4229

Michael SIGNED

JAN 09 1992

ZA91-51

Jan. 3/91

6.(b)

This is to inform you that I strongly oppose the proposed modification to convert the property on 1051 Upper James Street to be an "Adult Community Correctional Centre".

A petition has also been gathered within the neighbourhood to support my views.

Please inform me as to when I should formally be submitting my objection and the details for the reasons of my opposition.

Thank you.

Mrs. Emilia Gudowski
130 Victor Blvd.
Hamilton, Ontario
L9A 2V4
388-1638

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.		Recd. JAN 08 1992	
TO	STAFF INIT.	INFO.	ACT.
DIR.			
PL. & A.			
NEIGH.			
DEV.			
E. & U.D.			
COMM.			
TRANS.			
ENV.			
RECRE.			
ARTS.			
CO-OP.			
ALTERN.			

RECEIVED

JAN 09 1992

CITY CLERKS

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 6
(ZA-91-54)
Gibson Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

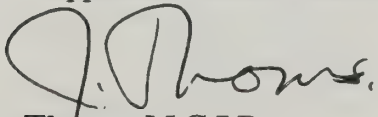
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification of zoning - No. 276 Sanford Avenue North.

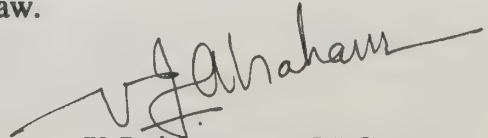
RECOMMENDATION:

That amended Zoning Application 91-54, Antony C. Dabner and David D. Hill, owners, requesting a modification to the established "K" (Heavy Industry, etc.) District to permit the established two-family dwelling on property located at No. 276 Sanford Avenue North, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of the Official Plan and the approved Gibson Neighbourhood Plan, in that the subject lands are designated "INDUSTRIAL";
- ii) the application conflicts with the intent of the Zoning By-Law in that the property does not meet the minimum lot area and minimum floor area requirements for a converted dwelling ((minimum lot area 270m² required vs 243.64m²) - (minimum floor area required for each dwelling unit (65m² vs 61.26m² ground floor unit));
- iii) it is an overintensification of land use in that two required parking spaces cannot be provided on site;
- iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-Law.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicants' intention to amend the established "K" (Heavy Industry, etc.) District to legalize the established two-family dwelling. On the basis of information provided, the first floor dwelling unit has a minimum floor area of 61.26m² (659.49 sq.ft.), the second floor dwelling unit has a floor area of 89.87m² (967.38 sq. ft.), and the lot has a minimum area of 243.64m² (2,622.57 sq.ft.). Two stacked off-street parking spaces are currently being provided. The parking spaces are located in the front yard and partly in the public unassumed alley to the north. The rear yard (indicated as a parking area by the applicant) is completely enclosed by a board fence and is inaccessible. The applicant has advised that the two-family dwelling use was established five years ago.

APPLICANT:

Antony C. Dabner and David D. Hill, owners.

LOT SIZE AND AREA:

- 7.95m (26.09 ft.) of lot frontage on Sanford Avenue North;
- 30.64m (100.52 ft.) of lot depth; and,
- 243.64m² (2,622.57 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two-family dwelling	"K" (Heavy Industry, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant building (Westinghouse office and parking lot)	"K" (Heavy Industry, etc.) District
to the south	single-family dwellings	"K" (Heavy Industry, etc.) District

to the east	multiple dwellings	"K" (Heavy Industry, etc.) District
to the west	park	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept Plan and are located within "SPECIAL POLICY AREA 11" on Schedule "B" of the Official Plan. The following policies, among others, would apply:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary uses, the following uses may be permitted within INDUSTRIAL areas:
- iv) Residences for maintenance staff of a principal use;
 - vii) All uses which, in the opinion of Council complement and do not interfere with, or detract from, the primary function of the area.
- A.2.3.33 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Subsection D.2, to identify potentially viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short term. Council's long term planning objective will be for the removal of Residential Uses from established INDUSTRIAL USE areas.
- A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 11, Light Industrial Uses will be permitted. Accordingly, all appropriate policy provisions in this plan dealing with the Light Industrial land use category will apply. Notwithstanding, for those lands which are adjacent to SPECIAL POLICY AREA 8, limited expansion to existing dwellings will be permitted without Committee of Adjustment approval.
- A.3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist over time. Accordingly, such uses will be deemed to be NON-COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may convert to the use intended by this Plan.

A.3.3.4 Notwithstanding Policies 3.3.1 and 3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-Law, provided that:

- i) it does not aggravate any situation detrimental to adjacent complying uses;
- ii) it does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
- ii) it does not interfere with desirable development in adjacent areas that are in conformity with this plan."

The proposal does not comply with the intent of the Official Plan. However, an amendment would not be required if the proposal is approved, provided Council is satisfied that the provisions of policy A.3.3.4 are met.

NEIGHBOURHOOD PLAN:

The subject lands are designated "INDUSTRIAL" on the approved Gibson Neighbourhood Plan. The proposal does not comply with the intent of the approved Neighbourhood Plan. However, if the application is approved, redesignation is not recommended at this time.

COMMENTS RECEIVED:

- The Building Department has advised that:

"There are no "Orders" on the building. According to our files, which go back to 1961, this house has always been a single family dwelling."

- The Traffic Department has advised that:

"A two-family dwelling is required to have two parking spaces. The application shows a parking area at the rear of the site but a site visit showed the parking area to be completely enclosed by a board fence and inaccessible. Also, access to the parking area is by two alleyways which are both public unassumed and, therefore, free and clear access cannot be guaranteed."

- The Hamilton Wentworth engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. According to the plan submitted, the existing hedges encroach into the Sanford Avenue road allowance.

This encroachment is contrary to the City of Hamilton Streets By-Law and remains at the sole risk of the owner. The alleyway adjacent to and to the rear of the subject lands is public unassumed. Therefore, the City cannot guarantee free and clear access to the proposed parking area at the rear of the subject lands."

- The Ministry of the Environment has advised that:

" We understand that the lands subject to the captioned rezoning application contain a three-story, two family dwelling which has been used for residential purposes for over 50 years.

The current owners wish the zoning change from "K" to "D" to recognize this use and to remove the property from a legal non-conforming status.

You may be aware that a proposal to rezone the neighbouring property at 286 Sanford Avenue North for residential use was initiated in 1989. In that instance, the change proposed was from "K" to "E" (Multiple Dwellings, Lodges, Clubs, etc.) to permit conversion of a former office building to residential apartments. In brief, we recommended against the proposal on grounds that the site bounds upon the main industrial area of Hamilton, and in particular, that it lies adjacent to the heavy industrial operations of Westinghouse Canada Inc. which generate high noise levels periodically. Our opposition and that of Westinghouse and of Slater Industries Inc. led to an Ontario Municipal Board hearing. The Board rejected the zoning by-law amendment as well as Amendment No. 89 to the City's Official Plan which it was intended to implement.

The current proposal is unlike that under OPA No. 89 in that residential uses are already in place; therefore, Official Plan policies A.2.3.7 and C.7.1 (vii) which weighed heavily in the Board's decision do not now apply. Nevertheless, the same sources of noise (principally operational testing of steam and gas turbines) which affect the vacant office building will affect also the home under present consideration.

We believe moreover, that such spot rezoning does not constitute good land use planning, particularly as lands immediately to the north, east and south will remain under "K" zoning, leading potentially to further environmentally based conflicts. It would be advisable to plan for transitional uses for the entire area between Myler Street and the "H" zoned lands along Barton Street East. In this area, light industrial or commercial operations which would be compatible with their surroundings, including the residential properties east of Milton Avenue, would be preferred.

In conclusion, although it is our recommendation that for reasons expressed above, the rezoning requested under Application No.91-54 not be approved, we would not oppose any favourable decision on the part of Council given that the lands are under an established residential use. The same position would apply to a companion amendment to the Hamilton Official Plan."

- The Hamilton Region Conservation Authority has no comments or objections.

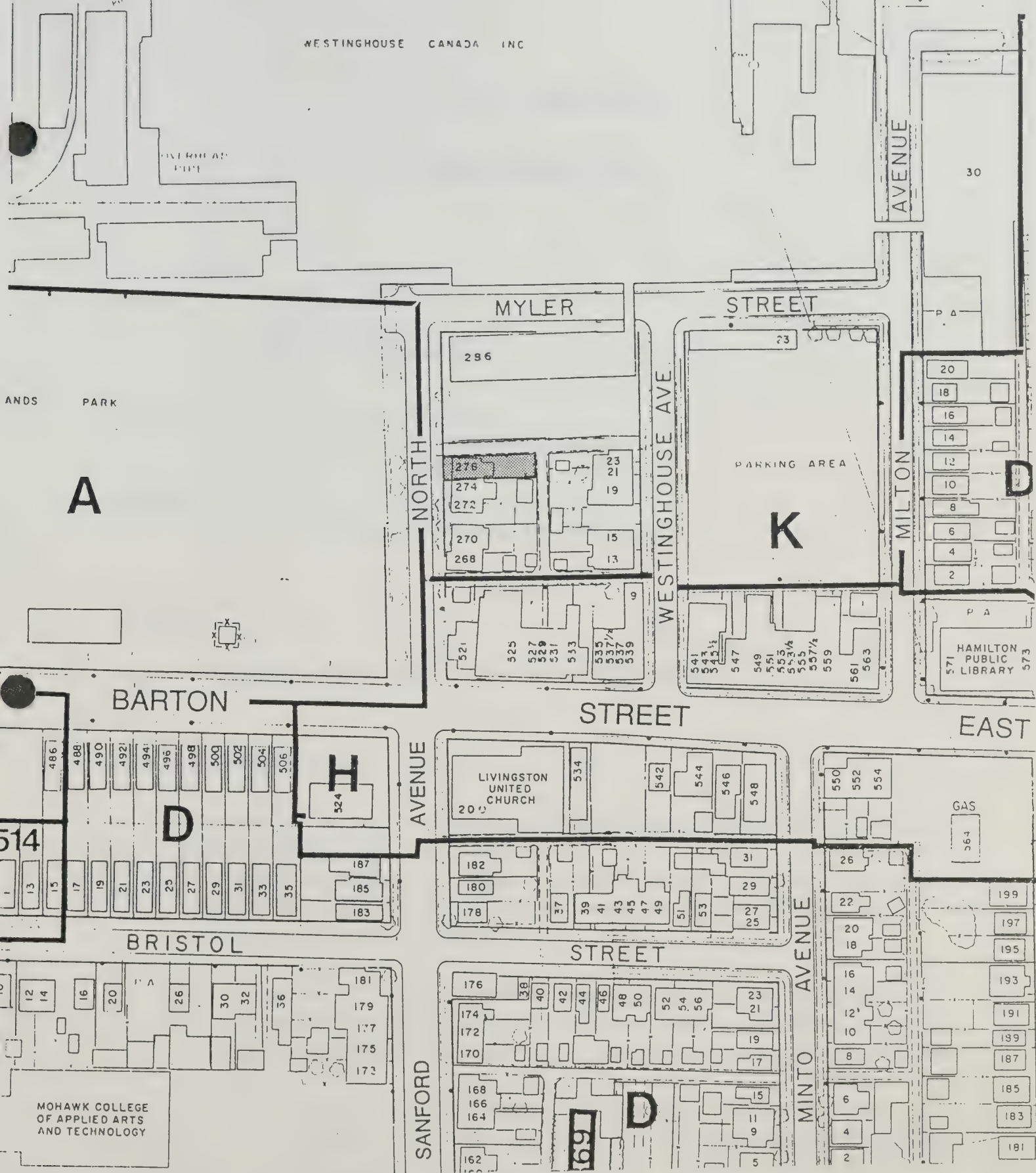
COMMENTS:

1. The proposal conflicts with the intent of the Official Plan in that the subject lands are designated "INDUSTRIAL". However, should the application be approved, as a "NON-COMPLYING USE", an amendment to the Official Plan would not be required.
2. The proposal does not comply with the approved Gibson Neighbourhood Plan. However, should the application be approved, redesignation is not recommended at this time.
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan and the approved Gibson Neighbourhood Plan in that the subject lands are designated "INDUSTRIAL";
 - ii) the application conflicts with the intent of the Zoning By-Law in that the property does not meet the minimum lot area and minimum floor area requirements for a converted dwelling ((min.lot area 270m² required vs 243.64m²) - (minimum floor area required for each dwelling unit (65m² vs 61.26m² ground floor unit));
 - iii) it is an overintensification of land use in that two required parking spaces cannot be provided on site;
 - iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-Law.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma



Legend



Site of the Application



CITY OF HAMILTON**- RECOMMENDATION -**

DATE: January 9, 1992
(ZA-91-70)
Macassa Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a Modification in Zoning - No. 300 East 34th Street.

RECOMMENDATIONS:

- A. That approval be given to Zoning Application 91-70, Aurelia Paul, Greg Paul and Sharon Paquette, owners, for a modification to the "C" (Urban Protected Residential, etc.) District regulations, to legalize an existing two-family dwelling for property located at No. 300 East 34th Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - 1. That notwithstanding Section 9.(1) of Zoning By-law No. 6593, a two-family dwelling shall be permitted only within the existing building, provided each dwelling unit shall have a minimum floor area of 65 m² (700 sq. ft.).

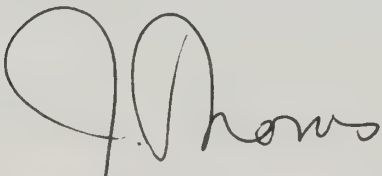
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-36 be notated as S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-36 for submission to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

B. That the amending By-law not be forwarded for passage by City Council until the frame shed is removed from the required side yard, to the satisfaction of the Building Department.

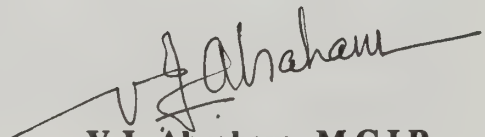
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the existing "C" (Urban Protected Residential, etc.) District regulations, for property located at No. 300 East 34th Street, as shown on the attached map marked APPENDIX "A".

The effect of the By-law is to legalize an existing two-family dwelling and to require that both dwelling units each have a minimum floor area of 65 m² (700 sq. ft.).



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

This application was submitted to legalize an existing two-family dwelling at No. 300 East 34th Street. According to Building Department records, this two-storey house was built in 1954 as a single-family dwelling. Two parking spaces are provided on site and the floor area of each unit is approximately 84 m² (900 sq. ft.).

- History of Illegal Conversions

Since 1954, the building appears to have been converted for a two-family dwelling on a number of occasions. According to the Building Department, complaints were registered on this property in July 1957, February 1958, March 1963 and November 1966. On each occasion, the Building Department notified the owners to reduce the occupancy to a single-family. The owners complied on each occasion.

- Committee of Adjustment

In June, 1980, the Committee of Adjustment denied an application for a minor variance to permit an existing frame shed in the required side yard of the property. The shed should have been removed from the required side yard, at that time. However, Building Department records indicate that, as of July, 1991, a frame shed was again located in the required side yard of the property.

- Order to Comply

On September 12, 1991 the Building Department issued an Order To Comply to the owners of the property (see APPENDIX "B"). The order requires the owner to reduce the occupancy from the current two-family dwelling to a single-family dwelling or legalize the existing two-family dwelling. As a result, the owners submitted this application.

• Council Adopted Housing Intensification Strategy

On June 25, 1991 Council adopted a Housing Intensification Strategy. The Strategy recommends that the Zoning By-law be amended to:

- permit one accessory apartment as-of-right in a number of residential zoning Districts, including the "C" (Urban Protected Residential, etc.) District;
- require that both units of the converted dwelling be a minimum of 65 m² (700 sq. ft.); and,
- permit a maximum of 50% of the front yard to be used for vehicle access, turning, and parking, to protect the appearance of the street.

A text amendment to Zoning By-law No. 6593 will be initiated by the City to implement the above policy. The text amendment will have the effect of removing the current regulation of restricting conversions to pre-1940 dwellings. As well, it will require that all units in converted dwellings meet the 65 m² (700 sq. ft.) minimum floor area. The text amendment will also relieve the parking requirements for conversions, by allowing 50% of the front yard to be used for vehicle parking, turning and access.

APPLICANTS:

Aurelia Paul, Greg Paul and Sharon Paquette, owners.

LOT SIZE AND AREA:

- 18.59 m (60.98 ft.) of lot frontage on East 34th Street;
- 20.69 m (67.90 ft.) of lot depth; and,
- 382.76 m² (4,120.18 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	two-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Macassa Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The Building Department has advised that:
 - "1. The house was built under permit B1383 in 1954 as a single-family dwelling.
 2. In July 1957, February 1958, March 1963 and November 1966, we notified the owners to reduce the occupancy from a two-family to a single-family, which was complied with on each occasion.

3. The frame shed in the side yard was denied by the Committee of Adjustment in June 1980 and should have been relocated in the rear yard under permit #31476. However, the shed, as of July 1991, was relocated back into the side yard.
4. We presently have a complaint on the building that it is being used as a three-family dwelling and are in the procedure of laying court charges to again reduce the house to a single-family dwelling."

The Building Department has also advised, verbally, that manoeuvring space for the required parking is not provided on-site, and that the 5.27 m (17.28 ft.) rear yard is legal non-conforming.

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

In the absence of any details shown, we advise that any works which may occur within the East 34th Street road allowance must conform to the City of Hamilton Streets By-law."

- The Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. There is no Neighbourhood Plan for the Macassa Neighbourhood.
3. The proposal has merit and can be supported for the following reason:

- i) by adopting the Housing Intensification Strategy, Council has established, as policy, that conversions are appropriate in the "C" (Urban Protected Residential, etc.) District. Therefore, the conversion at No. 300 East 34th Street is in keeping with Council adopted policy (Housing Intensification Strategy). As well, this conversion meets the requirement that both dwelling units be a minimum of 65 m² (700 sq. ft.) in size.

Accordingly, the amending By-law should include a requirement that both dwelling units each have a minimum floor area of 65 m² (700 sq. ft.).

4. As indicated in the Building Department's comments, the frame shed is illegally located in the required side yard and manoeuvring space for the required parking is not provided on site. If the proposal is approved, as submitted, variances would be required to:

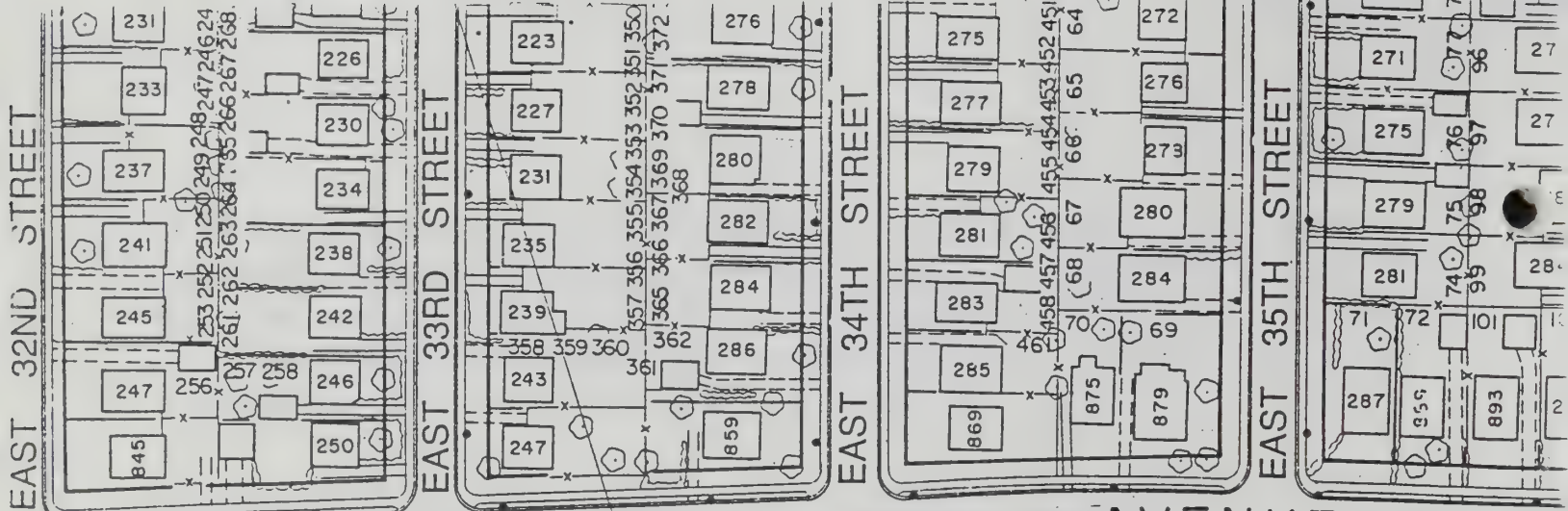
- permit off-site manoeuvring; and
- permit the frame shed in the required side yard.

However, it should be noted that the need for the above-noted variances could be eliminated by removing the frame shed from the side yard (it could legally be relocated into the rear yard), allowing for a longer driveway, which would provide on-site manoeuvring. This would also be consistent with the Committee of Adjustment's decision to deny the shed in the side yard.

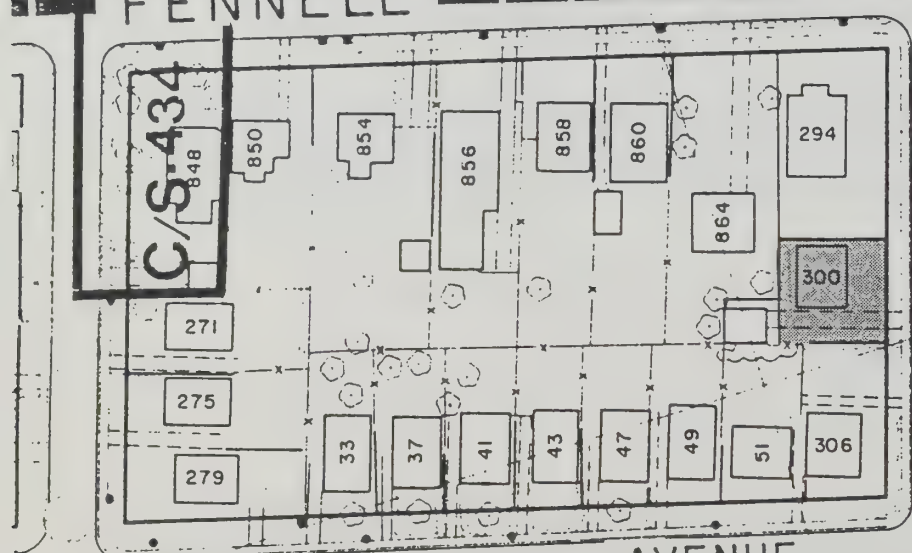
In light of the foregoing, removal of the frame shed to the satisfaction of the Building Department should be made a condition of approval, by withholding passage of the amending By-law.

CONCLUSION:

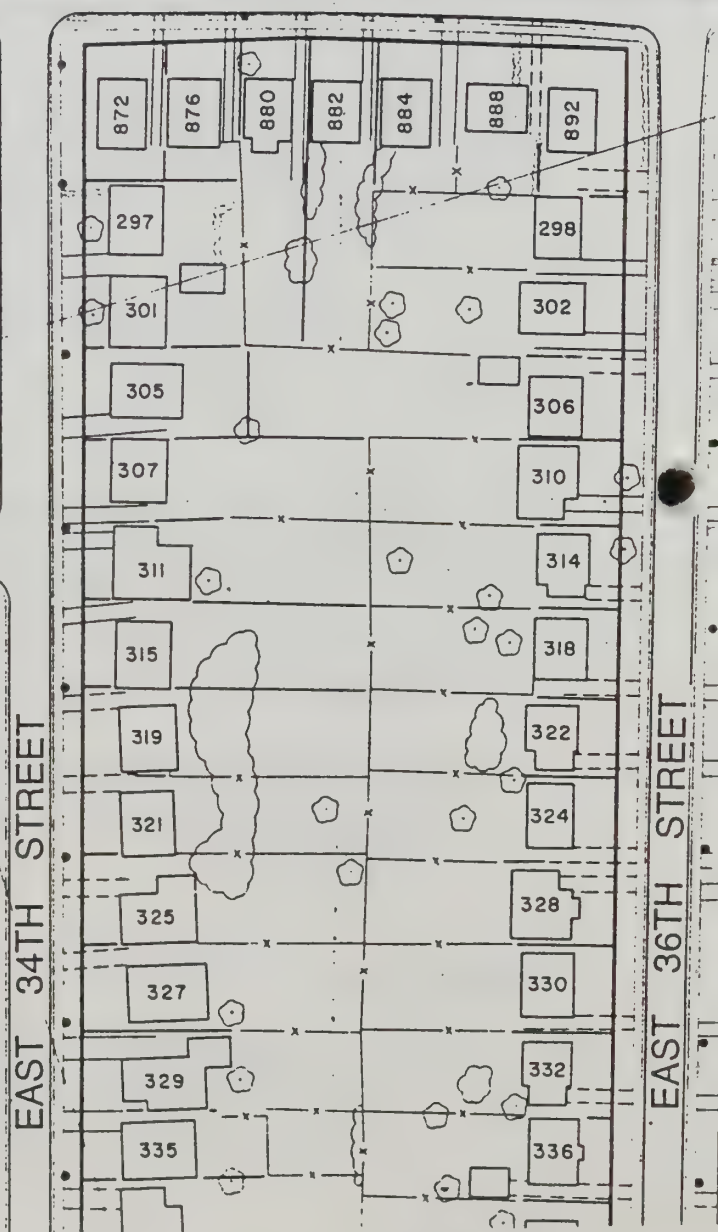
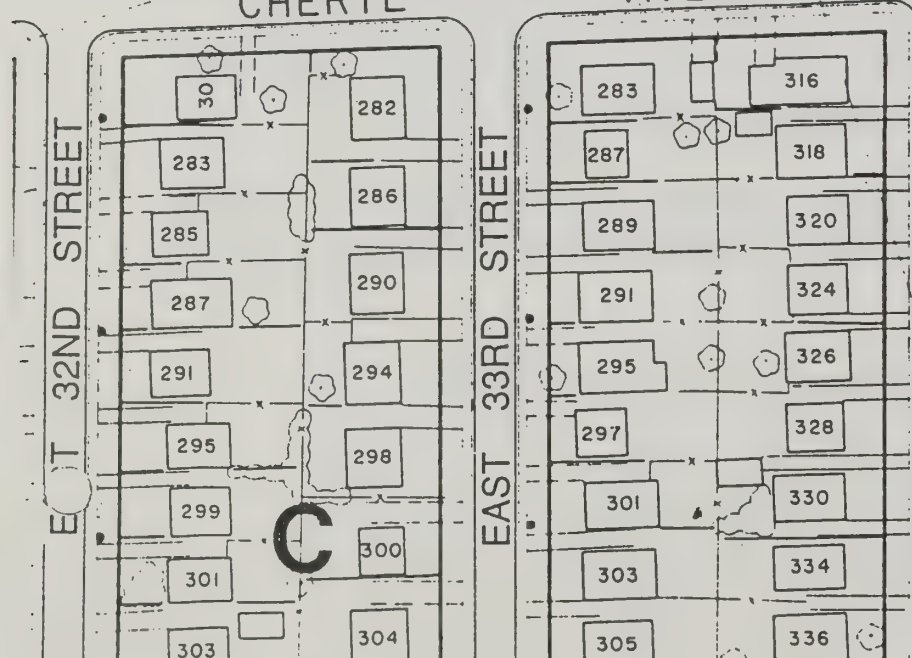
On the basis of the foregoing, the application can be supported.



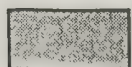
FENNELL AVENUE



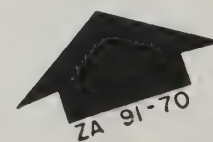
CHERYL AVENUE



Legend



Site of the Application



APPENDIX A

ORDER TO COMPLY


ISSUED TO Paul Aurelia,	LOCATION 300 East 34th,
300 East 34th, 1st,	HAMILTON, Ontario.
Hamilton, Ontario.	
L8V 3X1	

TAKE NOTICE THAT THE building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

[illegible]

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION
ARE HEREBY ORDERED TO COMPLY FORTHWITH WITHIN ~~xxxxxxxx~~ thirty (30) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL POSTED ON SITE RECEIVED BY	Sept.12/91 DATE	 INSPECTOR	Sept.12/91 DATE
--	------------------------	---	------------------------

8.(a)

January 2, 1992

RECEIVED

JAN 6 1992

CITY CLERKS

The Corporation of the City of Hamilton
Secretary
Planning & Development Committee
City Hall
71 Main Street, West
Hamilton, Ontario
L8N 3T4

To Whom It May Concern:

In reply to your letter, file #ZA-91-70, I would like to bring to your attention that said property is situated on a very short block (Fennell & Cheryl). As of now, parking is sometimes difficult.

Also, somewhere down the line, if this property is re-sold with the zoning changed, what may we expect to transpire. The possibilities are awesome.

We have a great number of us who have lived here for many years, and take great pride in our property, as residential homes, and would sincerely like to keep it that way.

The property in question has been renovated in a very underhanded circumstance, which leaves us a little suspicious of their reliability in the future.

Sincerely,
Robert & Flora Brett
307 East 34th St.

PROPOSED CHANGE - MODIFICATION TO THE C DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NO 300 EAST 34TH STREET

I AM IN FAVOUR OF ()

OPPOSED TO ☒ (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION

.....

BRETT ROBERT
ERETT FLORA ELIZABETH
307 EAST 34TH ST
FAMILTON ONT

L8V 3X2

.....

FILE-2A91-7G SEQ-00048

Brett Robert
..... SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

8.(6)

ZA91-70

JAN 06 1992

RECEIVED

JAN 6 1992

318 East 34 st

Hamilton ont.

L8V-3X3

Dec 30 1991.

324 E 34

Hamilton, Ont.

L8V 3 X 3

Dec 30 /91

CITY CLERKS

Corp of City of Hamilton

Planning & Development Committee

Dear Sirs,

I strongly object to the owners of 300 East 34TH St having this property as a two family dwelling.

The property has been an eyesore for over 35 years and I am sure was not built with a permit. It has been rented as an apartment site from time to time. This causes traffic congestion (cars parked on street) and noise pollution.

Any new construction to this building would cause the value of our homes to reduce & taxes to increase. Also, I have heard by the grapevine that these new owners have plans to put on a 3rd story.

Snow removal on this street is the last to be done and hence with more cars parked on the street we'll have yet more difficulty to have access to Spennell Ave.

I strongly oppose

K. Karaska Mrs Genette June Moore

S. Karaska

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 January 15
Chedoke Park Neighbourhood
P5-2-25/26

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

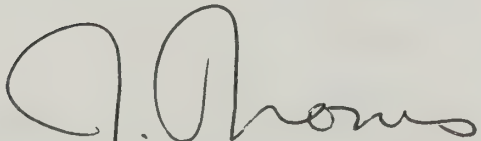
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

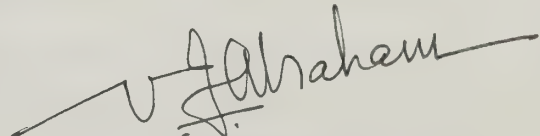
Modified Neighbourhood Plan Review - Chedoke Park Neighbourhood

RECOMMENDATIONS:

- A) That the proposed Chedoke Park Neighbourhood Plan, as proposed by the Kirkendall/Chedoke Neighbourhood Plan Advisory Committee, as shown on the attached map marked as MAP "1", as amended, be adopted, by City Council.
- B) That the City request the Niagara Escarpment Commission to consider placing the lands under Site Plan Control at the time a Development Permit is issued for 100 Beddoe Drive so the City of Hamilton can regulate screening, buffering, grading, etc.



J. D. Thoms, M.C.I.P.,
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Official Plan Amendment

In April 1989, Chedoke Heights Inc. submitted an application to change the Official Plan designation from "INDUSTRIAL" to "RESIDENTIAL" for the property located at No. 100 Beddoe Drive, the former Lapp Insulators site (see Map 2).

On December 5, 1990, the Planning and Development Department submitted a report to the Planning and Development Committee recommending approval of the Official Plan redesignation, to permit the development of the lands for two (2), 4 storey buildings containing 200 apartment units and 117 townhouses. Approval of the application was predicated on a number of conditions:

"That the by-law of adoption for the Official Plan Amendment not be passed by City Council UNTIL:

- a) the applicant applies for and receives approval of a site plan including noise attenuation measures as identified by the Ministry of the Environment;
- b) the applicant post a performance bond for required noise attenuation measures at the time of site plan approval; and,
- c) an approved site plan is registered on the title of the land.

That the City Solicitor be directed to prepare by-law of adoption once the conditions are fulfilled."

The Deaprtment recommended approval on the basis of the comments from the various agencies and that the Ministry of the Environment identified possible noise mitigative measures (sealed windows).

The Planning and Development Committee tabled the application pending additional meetings with area residents.

On April 24, 1991, as a result of these meetings, the Committee directed that a modified Neighbourhood Plan review of specific sites (i.e. Lapp lands, Camco, former Mr. Grocer lands) in the Kirkendall/Chedoke Neighbourhood be undertaken.

• Niagara Escarpment Development Permit

Since the lands are within the "Development Control Area" of the N.E.C., the applicant is required to receive a development permit. In June 1991, the N.E.C. denied the request development permit and recommended to the Region that they deny the O.P.A., for the following reasons:

- "1. The General Development Criterion 2.2 (d) of the Niagara Escarpment Plan is not satisfied since the Ministry of the Environment opposes the amendment because of the incompatibility with the adjacent industrial uses.
2. The development of 317 units on the site will necessitate the removal of approximately 80% of the forested area on the site. This is incompatible with the development criteria that states that there be no substantial negative impact on the Escarpment features including natural vegetation and visual attractiveness, and specifically; with Section 2.7, New Development within Wooded Areas.
3. The proposed density and modifications to the site plan which were required to make the site conform to the noise requirements of the Ministry of the Environment are such, that the compatibility of the proposed use with the visual and natural environment of the Escarpment is impossible to achieve."

The group developed a Neighbourhood Plan for the Chedoke neighbourhood. The planning consultant for the Lapp owner submitted a minority report since he did not agree with the recommendation formulated by the group.

- Consolidated Board Hearing

Since that land use planning for these lands is under the jurisdiction of both the City of Hamilton and the Niagara Escarpment Commission, a consolidated Board hearing of the Ontario Municipal Board and the Environmental Assessment Board is required. The hearing is scheduled to begin February 24, 1992, for 10 days.

- Modified Neighbourhood Plan Review

A Neighbourhood Plan Advisory Committee was established to develop a Neighbourhood Plan for the Chedoke Park Neighbourhood and to deal with specific sites in the Kirkendall North and South Neighbourhoods. The Advisory Committee met on eleven occasions and it was co-chaired by Aldermen Kiss and Cooke.

The Advisory Committee has developed a proposed Plan for the Chedoke Neighbourhood. As shown on APPENDIX "A", the golf course is proposed to be designated "Open Space" and the C.P. rail lands and the Public Works yards are proposed to be designated "Utilities", to recognize the existing uses. A number of land use options are proposed for the Lapp site, including light industrial, non-retail commercial, non-residential institutional and recreational.

Accompanying the proposed Plan is written documentation in support of the proposed land use options.

It should be noted that the Advisory Committee only dealt with the Chedoke park Neighbourhood since the time constraints (i.e. Consolidated Board hearing) made it difficult to assess the remaining sites. The remaining sites (Mr. Grocer, Camco etc.) of the Kirkendall North and South neighbourhoods will be dealt with at a later date.

This report has been circulated to the following agencies for their input:

- Hamilton-Wentworth Engineering Department;
- Hamilton-Wentworth Economic Development Department;
- Traffic Department;
- Fire Department;
- Public Works Department;

- Culture and Recreation Department;
- Hamilton Board of Education;
- Hamilton-Wentworth Roman Catholic Separate School Board;
- Ministry of the Environment; and
- Niagara Escarpment Commission.

The comments are summarized below:

- The Hamilton-Wentworth Engineering Department has advised that:

"The report is satisfactory except for one statement Page 6, clause 7. This clause states that "Basements may be backed up" I cannot support this as the proposed development will have an insignificant impact on basement flooding."

The Department also advised verbally that there will be an insignificant effluent overflow into the harbour resulting from this or any other development.

- The Economic Development Department has advised that:

"The Economic Development Department has specific concerns regarding the former Lapp insulator property. These comments echo previous opinions expressed concerning this property.

This Department holds a similar view to the City of Hamilton's Business Land Use Advisory Committee (BLUAC) regarding the loss of industrially zoned lands. Since the cancellation of the Red Hill Creek Expressway, industrial land that has good highway access is at a premium in the City of Hamilton. Re-designation of this property further diminishes the supply of industrial zoned land in Hamilton.

Currently, ceramic operations are still acceptable and correspond to targeted industrial sectors in the Region's economic strategy. The type of use on the property will be one that must conform to the surrounding uses (i.e. recreational space). The site, although offering excellent highway access, has very poor exposure. Specialized uses, such as an office development, etc., would have to be a "preferred trip" or specific destination for the end user to be viable.

This Department has some concern over conversion to a residential area. The railway industry could be subjected to complaints and disruption of business by tenants or owners of a residential development on this property.

With respect to commercial applications, there is usually some demand for quality office space. However, this demand is currently being served by existing office buildings in the Region."

- The Traffic Department has advised that:

"The draft report on the use of the "Lapp Property" makes several references to attempting to minimize traffic impacts by eliminating what are referred to as high traffic generators. While we can support this proposal in general, it appears as though this concept may have been misused in this example.

The Lapp Property is currently vacant. Any development on the site will increase the amount of traffic using the Aberdeen Avenue-Studholme Road intersection which has been identified as the key traffic related concern. Intensification of any existing adjacent use will have a similar effect. The report identifies potential roadway improvements for this intersection as a negative effect of the residential proposal. In reality, these improvements may be required even if no development occurs on the Lapp lands.

In this particular situation, the applicants have proposed a very specific development which we estimate will generate approximately 155 vehicle trips in the P.M. peak hour (97 in, 57 out). We have supported this proposal based on this magnitude of total traffic generation, its directional splits and its composition. From a traffic perspective, any other use which generates a similar traffic demand would be equally supported.

The point to be made is that when one speaks of traffic impacts they must speak in terms of booth land use and size of that land use. While we have supported this particular "high density residential" proposal, it does not necessarily mean we would support any "high density residential" proposal.

The report contains a listing (Appendix 5) of potential land uses which the Committee feels would be appropriate for this site. Most of these uses have the potential to generate as much, if not substantially more, traffic than the use proposed by the applicant.

As an example, we understand that the former building on the site was approximately 220,000 square feet in size. Based on trip generation rates for typical light industrial uses, a site of this size would generate approximately 152 vehicle trips in the P.M. peak hours (12 inbound and 144 outbound). While the total number of trips is approximately equal to the existing proposal, the outbound split would conflict with existing outbound peaks and would result in a significantly worse situation than that of the current proposal. In addition, one would expect a larger proportion of the vehicles generated by the industrial use to be large trucks when compared with the proposed residential proposal.

In summary, it is extremely difficult to assess the traffic impact of a use unless you also have the size of the use. It, therefore, appears inappropriate to use traffic impacts in this assessment to eliminate potential land use when those uses being promoted have the potential to create even more substantial impact. What we would suggest is that once an appropriate type of land use has been established that either limits to the amount of that use be set at this point or that the approval of any specific zoning proposal be conditional on site plan approval and a satisfactory traffic impact assessment.

- The Fire Department has advised that:

"Our Department has no problems regarding the proposed uses as set out in Appendix 5 of the PPlan but do wish to reiterate that it would be desirable to have a second access road into the development site. This would ensure adequate access for emergency vehicles regardless of the proposed use chosen."

- The Public Works Department has advised that:

"The original Public Works Department comments on the Official Plan Amendment remain unchanged in that we do not object to the residential

designation, so long as adequate screening and buffering are provided to mitigate potential conflicts between the adjacent civic land uses including high noise levels; high traffic volumes including a large percentage of trucks and heavy equipment; dust fumes and odours; storage of salt, asphalt, fuel, herbicides, pesticides, fertilizers, and 24 hour operation for much of the year."

- The Culture and Recreation Department has advised that:

"With respect to the golf course, we still agree with previous comments that safety is a concern either from stray golf balls or where pedestrians venture onto the golf course.

We are still of the opinion that recreational uses would be the most desirable to complement the existing golf course.

Further, although there are not any short term plans to develop recreation facilities in Ward 1, any residential development would increase the burden on existing recreation facilities that are already utilized to their maximum."

- The Hamilton Board of Education has advised that:

"The following comments are based on the actual enrolments of September 1991 and the revised forecasts for the next five years.

The Lapp property falls within the catchment area of;

Earl Kitchener School JK-5

Ryerson Middle School Grades 6, 7, 8

Westdale Secondary School Grades 9 - 12

After reviewing the enrolments for September 1991 and the forecasts for the next five years, i.e. 1992 - 1996 we wish to observe the following:

Earl Kitchener is at capacity and will remain very near capacity for the forecasted future. Ryerson is over capacity and is relying on portable accommodation and

the forecasts indicate that Ryerson will continue to be substantially over capacity for the next five years.

Westdale forecasts indicate that the school will be at capacity (approx. 1500 students) for the foreseeable.

On examining potential alternatives we wish to observe elementary schools in Westdale (G.R. Allan, Dalewood and Prince Philip) all have portables to accommodate their students. Elementary schools in the Central west area of the City (Allenby, Strathcona) will have some space to accommodate students in the Junior Kindergarten to Grade 5, but it must be clearly understood, are more than one mile distant from the Lapp site and transportation would be required. The closest middle schools (Grades 6, 7, 8) would be Tweedsmuir and Benetto. These two schools would have room for approximately 20 to 30 students each for the foreseeable future. It must be cautioned that each of these schools is approximately 2 miles from the Lapp site.

As can be seen from the above analysis, a housing development as large as the proposed Lapp development will cause some difficulty for this board of education. Accommodation for students living in the development will be found. It may, however, be portable accommodation and it will be some distance from the neighbourhood."

- The Ministry of the Environment has advised that:

"The plan identifies four suggested alternative use categories for the 100 Beddoe Drive property, while Appendix 5 to the report details examples of uses in these categories. Because of their sensitivity to the noise conditions discussed previously, we ask that the "Non residential-Institutional Uses" (college, seminary, and church) category be deleted from both the Plan and Appendix 5. On the same basis, we question the appropriateness of listing a "hotel" as a possible commercial use. In all other respects, we find the Plan and Appendix 5 satisfactory..... We make only the following requests for its improvement:

- a) Page 3: We ask that the second paragraph of the first bullet point be restated:

"The Ministry of the Environment opposes residential uses based on noise generated by adjoining uses. Although Highway No. 403 is depressed below grade, noise from that source might be a factor with respect to upper floors of multi-storey residences. Although they comment that residential use could be designed to meet their standards, this would be accomplished only through unusual measures and likely at a high cost. Their essential position is that heavy industrial and residential uses are incompatible and do not meet their separation objectives.

- b) Page 7: We ask that in the third and last lines of the first paragraph of item 9, the term "setback objectives" be replaced with "separation objectives" to conform with our terminology;
- c) Page 11: Coincidental with our comments on the Plan and Appendix 5, we ask that the phrase "non-residential-institutional uses" be removed from the second to last bullet point."

ANALYSIS OF THE CHEDOKE PARK NEIGHBOURHOOD PLAN

The Kirkendall/Chedoke Neighbourhood Plan Advisory Committee has done an enormous amount of work to identify land uses that were previously not considered. Much thought and hard work has gone into this Plan and there are exciting planning initiatives which have emerged. As noted, the proposed Plan was sent to various Departments and Agencies for comment.

Based on the comments received from the various agencies, further expansion and/or clarification of some of the points made in the section of the Advisory Committee's Report titled "Analysis of the Lapp land proposal" is warranted. They include:

Comment 1) Preservation of the Environment, including the green space, woodland and natural habitat

The preservation of the woodlot is a key factor in the development of this site for any use. The owner has prepared a plan which identifies specific groupings of trees as well as individual specimens. The N.E.C. is assessing

the Plan in conjunction with a development plan that is intended to preserve a portion of the woodlot. It would be beneficial to preserve as much of the woodlot as possible and to design potential land uses to minimize the impacts on the vegetation.

Comment 5) The need for various land uses (i.e. recreational, institutional, residential, commercial, industrial)

Residential: Generally, the City of Hamilton can be considered as an 'affordable' community; however, the City still remains committed to the provision of additional affordable units within the entire city and no area is exempt.

Commercial: The Economic Development Department indicates that at the present time, the demand for office space is satisfied by existing vacant office space.

Institutional: As noted, there is no specific institutional user at the present time.

Industrial: The Economic Development Department indicated that there is limited demand for industrial uses, specifically as it relates to this site.

Recreational: The Culture and Recreation Department has expressed an interest in retaining these lands for 'recreational' purposes. However, the report titled VISION 2000 has not identified additional recreational facilities in Ward 1. Furthermore, it identified other areas where priority should be given to the establishment of additional facilities. Although recreational facilities are limited in their capacity, development charges off set any additional costs.

Comment 6) Availability of Services (e.g. parks, schools, recreation centres, libraries, stores, etc.)

The amount of parkland in Ward 1 is in keeping with the standards as set out in the Official Plan.

The Library has indicated that there will be a minimal impact on the library services.

Of particular concern to area residents is the accommodation of the school children in the local schools, in particular the Hamilton Board of Education.

At the present time, there are two elementary schools, Earl Kitchener and Allenby, one middle school, Dalewood and one high school, Westdale which serve the Neighbourhood.

The Board has three options:

- to readjust the school board boundaries to accommodate the new development; or,
- to add portables to the existing School Board lands; or
- to bus the children to Allenby and other schools.

Accommodation for the children would be found, if required, either through the use of portables and/or through bussing. Although, the Board has not indicated that either of these options are inappropriate, it is recognized that these options could disrupt current school operations .

Comment 7) Availability of Infrastructure (e.g. road capacity, sewer capacity)

The Traffic Department has indicated that any development on the site will increase the traffic at the intersection of Aberdeen Avenue and Studholme Road given that the land is currently vacant. Of all uses proposed, residential uses are some of the lowest traffic generators when compared to commercial.

Concern has been expressed over the amount of potential traffic at the intersection of Studholme Road and Aberdeen Avenue. As noted by the Traffic Department, any development should be subject to a Traffic Impact Assessment. At that time, the size of the development can be determined and its impact on the traffic system. Further, improvements (i.e. signals, left turn lanes) could be identified which would be most beneficial for safety purposes and traffic flows.

In this regard, the wording of the "Special Policy Area" in the proposed Neighbourhood Plan should be reworded as follows "Uses which are low traffic generators will be encouraged. A traffic impact assessment will be required for any proposed development to determine the appropriate size of the building and the impact on the traffic system".

It should be noted that intersection improvements may be necessary regardless of future land uses. In fact, should activities increase in the C.P. yard and/or the Public Works Yard, improvements may be required.

The Hamilton-Wentworth Engineering Department has advised that any overflow of effluent into the Harbour as a result of development would be insignificant. In addition, they advise that the statement "Basements may be backed up" cannot be supported since the proposed developments would have an insignificant impact on basement flooding.

Comment 11) Financial Impact on Public Agencies

There has been no evidence presented to indicate that residential uses will generate park and library costs.

Parkland: Analysis of parkland in Ward 1 indicates there is an adequate supply of parkland to serve the residents.

Libraries: According to the Hamilton Public Library, there will be a marginal impact on the library service. However, any costs could be offset by the development charges generated by a residential proposal.

Schools: All residential development has the potential of generating children resulting in some impact on the School Boards. In fact, residential developments in mountain neighbourhoods would be subject to the same costs as those on the Lapp site. Bussing would be required because local schools are very often not available.

City: The tax figures noted for the various land uses are relatively accurate. However, development charges that will be derived from the proposed residential development would be used to offset the demand for services generated by new residents. Such development charges are important in that they provide the money to upgrade existing services such as libraries, recreational facilities, etc.

The City's Development charges are:

\$2,872 per townhouse unit = \$336,024
 \$1,098.12 per 1 bedroom = \$219,624
 apartment unit

The Region's Development Charges are:

\$5,550 per townhouse unit = \$649,350
 \$3,842 per 1 bedroom = \$768,400
 apartment unit

The total development charges derived from the proposed residential development would be \$1,973,398.

A thorough cost benefit analysis would need to include all costs to the municipality, both 'quantative' and 'qualitative', as well as all revenue generated from the development. In addition, there are other benefits that are not quantifiable such as the benefits derived from the participation of the additional residents to the City.

Conclusions:

Although the Report does not identify residential as an appropriate use, there are certain positive aspects that can be attributed to the site. It is close to public transit, major transportation routes and implements the concept of sustainable development and housing intensification. However, on the Lapp site, the residential use is not appropriate since the MOE as indicated that noise emanating from the adjacent railway yard cannot be mitigated. A detailed analysis discussing the potential for residential development is contained in the accompanying report on the Official Plan amendment.

The concept of sustainable development has been gaining and will continue to gain support as a viable planning concept or principle when evaluating the merits of development applications. This concept has been partially addressed by the Province in their Policy Statement Land Use Planning for Housing, the City's Housing Intensification Policy and the Region's Vision 2020 Report. The Policy Statement encourages the adaptive re-use of sites/buildings for 'affordable housing'.

Based on the experience with the Lapp site, as well as others, it should be recognized that redevelopment sites are not always ideal; often there are some problems with the site (i.e. environment, traffic, capacity of schools/recreational facilities, etc.). However, in many cases, these adverse aspects can be satisfactorily overcome the range of mitigating measure. Unfortunately, on the Lapp property, some of these constraints cannot be overcome. Specifically, that noise mitigative measures cannot be provided as previously identified by the MOE. Generally, these sites are not ideal but it must be recognized that some trade-offs are necessary to fulfil the goal of adaptive re-use.

Other designations in the Plan include:

- "Utilities" for the railway yard and the Public Works yard;
- "Open Space" for the golf course; and,
- "Special Policy Area" for the Lapp site to preserve the woodlot; to provide adequate landscaping and buffering; to permit only low traffic generators and any additional traffic will avoid the need for a left hand turn lane and signalization of the intersection of Aberdeen and Studholme and to encourage high quality appearance of the buildings.

The designations are appropriate for the existing land uses with the exception of one of the Special Policy that prohibits left hand turn lanes and traffic signals. This policy should be reworded as follows: "Uses which are low traffic generators will be encouraged. A traffic impact assessment will be required for any proposed development to determine the appropriate size and the impact on the traffic system".

Additional Planning Issues:

If the Chedoke Park Neighbourhood Plan is approved, then an Official Plan Amendment would not be necessary because the industrial polices in the O.P. are flexible enough to permit the uses proposed. Furthermore, the lands are under the jurisdiction of the N.E.C. and any development would be subject to their approval. The proposed polices in the Neighbourhood Plan are not out of character with the concerns of the N.E.C. (i.e. preservation of the woodlot). In addition, it should be noted that the City is circulated applications for Development Permits. At that time, the City can request that the lands be placed under Site Plan Control to monitor site design, grading, access, buffering and screening, etc.

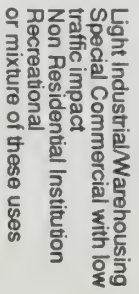
SUMMARY:

The proposed Chedoke Park Neighbourhood Plan can be supported, as amended.

J.H-E.:ns

CHEDOKER

CHEDOKÉ PARK PROPOSED PLAN

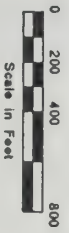


Open Space

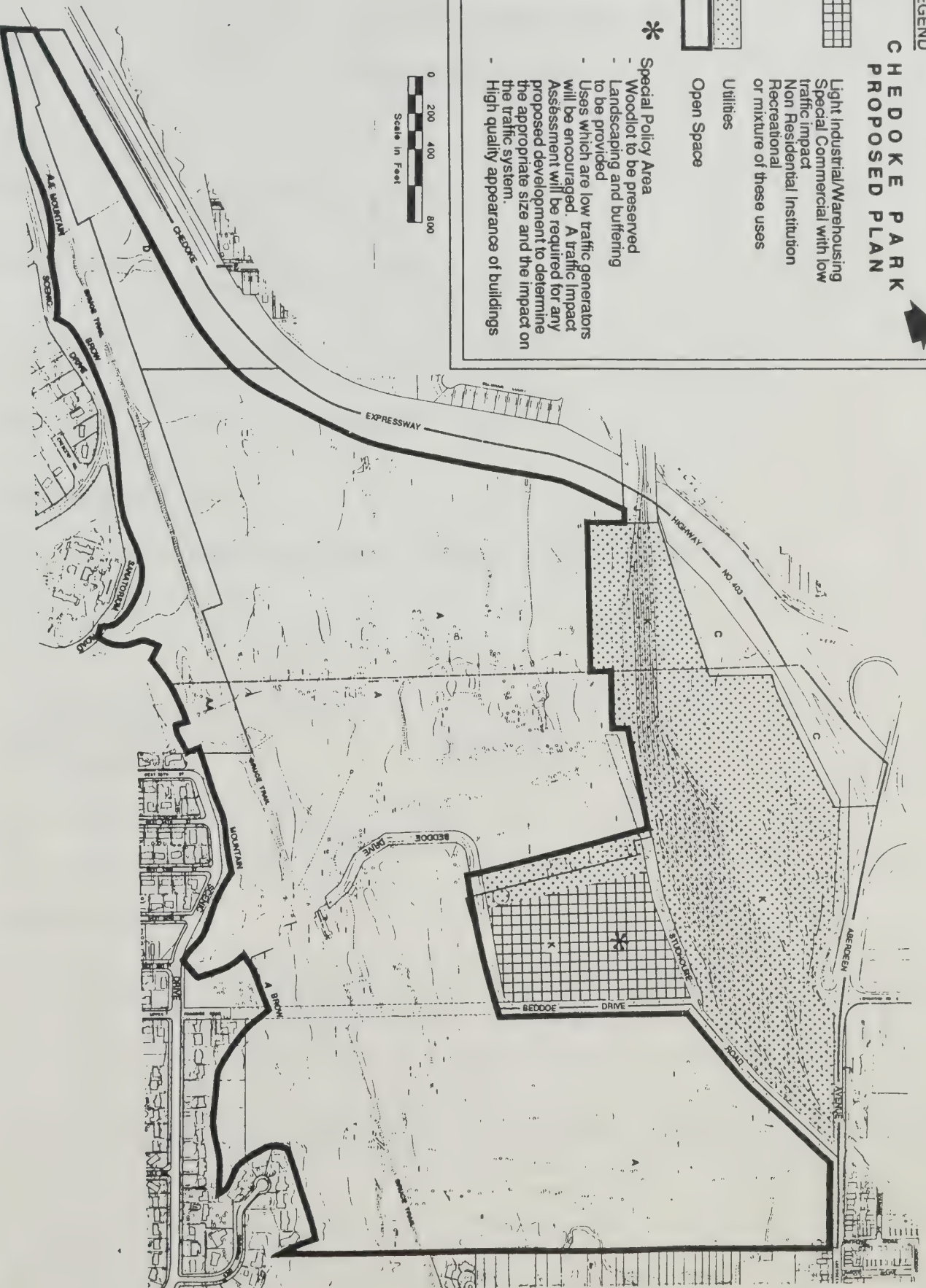


Special Policy Area

- Woodlot to be preserved
- Landscaping and buffering to be provided
- Uses which are low traffic generators will be encouraged. A traffic impact Assessment will be required for any proposed development to determine the appropriate size and the impact on the traffic system.
- High quality appearance of buildings



Scale in Foot



9.(i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1992 January 14
(P5-2-25)

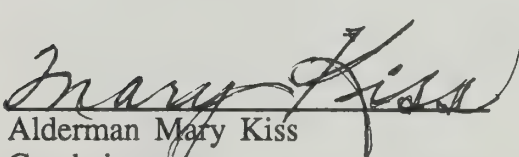
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


FROM: Kirkendall-Chedoke Neighbourhood
Plan Advisory Committee

SUBJECT: Chedoke Park Neighbourhood Plan

RECOMMENDATION:

That the attached neighbourhood plan be adopted by City Council (Map 1).


Alderman Mary Kiss
Co-chairperson


Alderman Terry Cooke
Co-chairperson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See comments under section 11

BACKGROUND:

- The purpose of the report is to resolve the development issues in the Chedoke Park Neighbourhood. The report's principal aim is to establish the most suitable use or uses for the 'Lapp property' by examining issues such as land use compatibility, environmental impact, and servicing, from a community perspective.
- The need for a neighbourhood plan arose out of proposals for the development of the 'Lapp property'. A neighbourhood plan is required by the Official Plan where major development occurs.

- The 'Lapp lands' were formerly used for manufacturing by Canadian Porcelain and more recently by Lapp Insulation. The lands are about 5 hectares (13 acres) (Map 2) with a wooded section on the southerly 2 hectares (5 acres). The lands are unused and cleared of buildings.
- The Chedoke Golf Course lies to the south and east, the City's Public Works Yard to the west and the CP Rail marshalling yard to the north. (Map 2)
- The 'Lapp lands' are now owned by a consortium including United Lands Corporation, who under the name of Chedoke Heights Incorporated proposed to build 200 apartments in 4 storey buildings and 117 townhouses (Map 3).
- In April 1989, the owner applied to change the City's Official Plan from an industrial designation to a residential designation.
- In April 1989, the owner applied to the Niagara Escarpment Commission to obtain a permit for their proposal. In June 1991 the Commission refused to issue a permit.
- The owners have requested referral of the Official Plan Amendment and appealed the Commission's decision. They have applied for a consolidated hearing which is scheduled for February 24, 1992 for 10 days.
- In December 1990, a report of the Planning and Development Department was taken to the Planning and Development Committee recommending approval of the proposal and the related Official Plan amendment (Appendix 1). Objections to both the proposal and the process were raised at the meeting and the matter was referred back to staff so that public meetings could be held with those interested and the issue re-examined in a broader context.
- In April 1991, after the public meetings were not able to resolve the issue, another Planning and Development Department report was taken to the Planning and Development Committee recommending a modified neighbourhood plan process (appendix 2). The process included a study of the broader neighbourhood issues including the Chedoke and Kirkendall Neighbourhoods and the formation of an advisory committee of stakeholders (appendix 3).
- The committee met 11 times from June, 1991 to January 1992 (appendix 4) and is now reporting back. The owner's consultant, who sat on the committee, opposes the recommendations and has prepared a minority report (Appendix 8).
- The committee has considered broad planning matters and details of issues in the Kirkendall and Chedoke Park Neighbourhoods but are reporting on only the Chedoke Park Neighbourhood at this time to enable City Council to deal with the 'Lapp property' before the consolidated hearing on February 24, 1992. It is intended that an additional report will be prepared for the Kirkendall Neighbourhoods.

Comments of Agencies on the 'Lapp lands' proposal

- The Ministry of the Environment has approved a decommissioning study for the 'Lapp property' and are satisfied that the site is uncontaminated and that redevelopment can proceed.

The Ministry of the Environment opposes residential use based on noise generated by adjoining uses, i.e. CP Rail yards and Highway 403. Although Highway 403 is depressed below grade, noise from that source might be a factor with respect to upper floors of multi-storey residences. The Ministry do not feel that it is feasible for the development to meet noise standards. Windows would need the sound transmission loss performance on an 8" light weight concrete block. Such windows could only be manufactured at an extremely high cost. They feel sealed windows are undesirable and unsuitable as a noise control measure for dwellings. They point out that windows are easily replaceable. Their essential position is that residential use is incompatible with heavy industrial use and does not meet their separation objectives.

- The Niagara Escarpment Commission opposes the proposal based on lack of plan conformity, incompatibility of adjacent industrial land uses, loss of forested area and incompatibility with the visual and natural environment. (appendix 6)
- CP Rail strongly opposes residential use because of the land use incompatibility e.g. noise and safety, and potential restrictions on their operation. They list a series of conditions should the development proceed (appendix 7)
- Chedoke Golf Club does not support the proposal because of concerns about the potential impacts on the golf course, e.g. danger from stray golf balls, trespassing.
- The Public Works Department originally opposed the project but withdrew its objection. The Department notes concerns about land use conflicts but does not oppose the proposal so long as adequate screening and buffering are provided. Conflicts mentioned by the Department include high noise levels; high traffic volumes including a large percentage of trucks and heavy equipment; dust fumes and odours; storage of salt, asphalt, fuel, herbicides, pesticides, fertilizers and 24 hour operation for much of the year.
- The Culture and Recreation Department states that local recreational facilities are at capacity.
- The Fire Department recommends that a second road access be provided for emergency vehicles. However it is not feasible to provide a second access.
- The Traffic Department feels that the most desirable traffic situation would be that no development take place on the Lapp property. The higher the peak traffic generation becomes, the worse the traffic situation becomes. They also comment that it would be desirable not to increase traffic volumes to the point where signalization,

realignment of Studholme Road or left hand turn lanes are needed. The Department supports the proposal but notes that improvements to the Aberdeen-Studholme intersection may be needed to improve traffic flow and safety. It does not anticipate that traffic lights will be needed. The improvements to the intersection could be done within the existing right-of-way but the sidewalk would have to be relocated on the raised area behind the retaining wall or the retaining wall removed.

- The Engineering Department notes that sewers and water can be supplied to the site and sees no significant impacts created by the development. They do not support a development which generates more traffic than the former Lapp industry.
- The Board of Education notes that kindergarten to grade 5 students could not be accommodated at the home school, Earl Kitchener, but could be accommodated at Allenby. There will be capital costs associated with the accommodation of additional students at Allenby. Nothing is included in the Board's capital budget. The Board is concerned about middle school accommodation since both Ryerson, the home school and Dalewood are at capacity. An alternative is to transport students further afield. All elementary students would need bussing according to Board policy. Secondary School students cannot currently be accommodated at Westdale and future capacity is unclear.
- The Separate School Board states that students can be accommodated at the local elementary school (St. Joseph's) and the secondary school (St. Mary's). Transportation will be needed for elementary students according to Board policy.

Analysis of the 'Lapp lands' proposal

The proposal for 200 apartment units in a four storey building and 117 townhouses aims to maximize market demand and mitigate negative impacts, principally noise. The City's function is to determine the best use or uses for the site from the community perspective. The analysis continues by discussing potential development using a series of criteria developed during the neighbourhood plan process.

1. *Preservation of the environment including green space, woodland and natural habitat.*

Environmental preservation is an increasingly important community concern and this is expressed in the draft Vision Statement of the Region of Hamilton-Wentworth. The site comprises a green area on the lower slopes of the Niagara Escarpment and complements the treed golf course area. Accessible green areas are needed in an urban community. The 2 hectares (5 acres) of woodlot provides an important and attractive natural feature and a refuge for wildlife. Any development which removes the woodlot would be a loss to the escarpment and to the community. Higher density residential development may impact vegetation due to overuse.

2. *Sustainable development and intensification of urban areas.*

Both direct and indirect impacts of development should be taken into account. More intensive use can lead to a more efficient land use pattern which increases access, minimizes travel, reduces energy consumption and pollution and saves land for agriculture. The intensity of the use rather than the use itself is the key to sustainability. The proposal measures up well to this criterion.

3. *The need for a diversified economy, employment and strong tax base.*

Commercial and industrial uses would provide a more diversified economy, employment and stronger tax base than residential development. Residential use is unlikely to provide more local taxes than are generated. Institutional and recreational would help a diversified economy and employment but not contribute to a strong tax base.

The City has passed a by-law for development charges to provide funding for City services related to new development eg. recreation. Although the levies are being collected the by-law is before the O.M.B. and the money is not being spent. There is no development charge for education purposes but legislation is available for this.

4. *The need for attractive neighbourhoods and choice of housing.*

Residential development would provide a unique living location, close to the escarpment, with good access to Highway 403 and relatively good access to the downtown. Choice of housing could be provided by a mixture of dwelling types and tenures. The proposal meets the objectives of the Province by providing at least 25% affordable units (\$810 monthly rental or less or a capital cost of \$147,000 or less) but the units may be near the ceiling rates and not where the real need is. Also an over concentration of social housing could be a concern and this needs control by the Ministry of Housing.

5. *The need for various land uses i.e. recreational, institutional, residential, commercial, industrial.*

There is a good demand for residential use and a need for more housing particularly in the affordable range in the City as a whole. However in the Kirkendall/Chedoke neighbourhoods there is already a good supply of affordable housing. In the first 6 months of 1991 about half the houses sold were in the affordable range. There is some demand for commercial of a specialized office type or possibly in the hospitality field. Although the site has low visibility the setting is a compensation. There is a wide choice of light industrial land and therefore a limited demand although the setting and proximity to Highway 403 and McMaster may attract a particular kind of light industry. The Public Works Department requires about one hectare (2.5 acres) of land to expand their works yard although the Department does not feel expansion is possible at present because of cost restrictions. No specific institutional use is known to need

land but there would be interest from the City to develop the land for recreational purposes.

6. *Availability of services e.g. parks, schools, recreation centres, libraries, stores, buses.*

Public School Board, kindergarten to grade 5 students can be accommodated at Allenby School. Although there are no plans to close Allenby, additional children would make its future more assured. Significant capital costs will be needed to upgrade Allenby to accommodate the anticipated additional students. Parents become concerned when their children cannot attend their local school and have to be bussed further away. Earl Kitchener is the local school at about 1.1kms (0.75 miles) distance from the proposed development whereas Allenby School is 1.9 kms (1.25 miles) away.

Grade 6-8 students could attend Ryerson if its capacity were expanded. Alternatively students will have to be accommodated in schools with capacity outside the local neighbourhoods. However Ryerson which is the home school in the Chedoke/Kirkendall community already has one portable and no suitable space to add portable classrooms. Dalewood, which is the next most accessible middle school, in neighbouring Westdale community, has two portables. The alternative would be to bus middle school children to a more distant school which has spare capacity e.g. Bennetto or Tweedsmuir which are about 5km (3 miles) away. Either overcrowding or placement of middle grade school children at a distance from the home school of Ryerson is the effect of the proposed development on middle school accommodation. Both options are inappropriate. Also, if children from the proposed development were educated outside the local neighbourhood, the interaction with local neighbourhood children would be missing.

It may also be difficult to place siblings in the same school where one is in the English program and the other in French immersion. Both Earl Kitchener and Ryerson offer firmly established French programs.

Secondary School students may not be able to attend their local school, Westdale Secondary School.

Separate School kindergarten to grade 8 students would attend St. Josephs in the local neighbourhood where there is capacity.

Bussing would be required for all kindergarten to grade 8 pupils according to the policies of the Public Board of Education. Transporting the estimated 155 kindergarten to grade 8 public school children would need 4 school buses. The estimated 25 kindergarten to grade 8 separate school students would also require bussing according to Separate Board policies. This could probably be done using existing school buses but there is the possibility that an additional bus or taxis would be needed. Another factor is the inconvenience for children in the proposed housing project having to travel some distance to school (by bus) rather than walking to school.

Bus service is important for all types of uses. The other services are only important for residential use. Services become more critical with higher density residential. Although the site is somewhat isolated being 300 metres (1000 feet) from Aberdeen Avenue, there are buses on Aberdeen, a limited selection of smaller stores at Aberdeen and Dundurn, a recreation centre at Ryerson School and a library on Locke Street. However local recreation facilities are at capacity and the Board of Education has priority over the general public at the Ryerson Recreation Centre. Pedestrian access to these facilities means walking along busy streets.

7. *Availability of infrastructure eg. road capacity, sewer capacity.*

The road capacity on Aberdeen Avenue is already limited and long back ups occur at peak hours. Traffic on Aberdeen Avenue is likely to increase with development of Ancaster and the West Mountain. It is undesirable to have traffic lights at Studholme and Aberdeen because of interruptions to traffic flow on Aberdeen and the location of the bridge, affecting safety. A left hand turn lane from Aberdeen may be impractical, without traffic lights, since site lines from Studholme would be obscured.

In general terms uses which have a low traffic impact include open space e.g. woodlot, recreational uses (because of off peak traffic generation) and very low density housing.

Uses which have a low/medium impact include conventional single family housing, townhouses, secondary school, light industry/warehousing (at 25% floor area/site ratio). Special commercial uses, e.g. prestige restaurant may be included in this category. Uses which have a medium/high impact include apartments. Uses which have a high impact include offices. Traffic generation will, of course, vary with size of facility. Traffic generated from the Lapp property will exacerbate the road capacity situation resulting in more congestion and through traffic on neighbourhood streets. It is important that any development of the Lapp site have a low traffic impact and avoid the need for traffic signalization at Studholme and Aberdeen. Any road improvements needed as a result of the proposed development should be charged to the development.

There is adequate sewer capacity for all types of development. However higher effluent generators such as higher density residential will increase flow into combined sewers and overflows into the Harbour. Basements may be backed up. Industrial uses have the potential to discharge contaminants into the sewer system illegally. Lower effluent generators such as warehousing would minimize this impact.

8. *Safety including traffic safety, potential problems associated with adjacent uses, pedestrian safety and security from crime.*

Negotiation of the intersection at Studholme and Aberdeen is already difficult due to the angle of Studholme and the site line restriction due to the railway bridge structure; additional vehicular and pedestrian traffic will reduce safety, particularly at the intersection.

The golf course is a risk to safety. Safety is a concern either from stray golf balls or where pedestrians venture onto the golf course. Design measures could reduce the risk and there are many examples of housing next to golf courses, some of which are compatible and some of which are not.

The Public Works Yard and Railyard are a risk to safety where pedestrians come into contact with industrial traffic or where they venture on to the sites.

Security from crime is a concern because of the length of dead area between the site and Aberdeen Avenue. Women, children and seniors would be particularly impacted.

A second access for emergency vehicles is not feasible so fire truck, police and ambulance access may be impossible if Studholme Road is blocked. Residential development is of greater concern than other uses since people sleeping have a slow response time to an emergency.

Overall, in each of these cases higher density residential is the least desirable use because of its relatively high traffic generation, association with children and higher numbers of people using the site at all times. There are however safety factors to consider with all new uses eg. traffic safety.

9. *Impact of adjacent uses on people using the development including air and noise pollution.*

Residential users are most sensitive to noise impact. Discomfort occurs even when Ministry of the Environment standards are met and noise mitigation techniques are used. The Ministry of the Environment say that it is not feasible for the proposed development to meet noise standards and that in any case sealed windows are not appropriate to achieve the standards. The Ministry of the Environment have residential setback objectives for medium industrial uses eg. manufacture of pickles, beer, insulation, leather, wire strapping, etc. of 90 metres (300 feet) to 300 metres (1000 feet) and for heavy industrial uses eg. slaughterhouse, manufacture of rayon, paper, paint, asphalt and railway yards of 300+ metres (1000+ feet) and for some large heavy industries with obnoxious emissions - 1000 metres (3,300 feet). No part of the Lapp site is beyond 300 metres (1000 feet) from the railway yards. It should be noted that the Official Plan designates the CP Rail lands for industrial use. The Zoning By-Law for the lands permits virtually any type of industrial use as well as commercial uses and such uses could be introduced to the C.P. Railyard lands in the long term. The City's Official Plan has a clause stating that Council will not permit the development of new major residential development within 400 metres (1330 feet) of a heavy industrial area. A residential proposal would be far from meeting the Ministry of Environment's setback objectives.

Highway 403, the CP Railyards and Public Works yard are liable to be noisy 24 hours a day. Ski operations in the winter also will have a noise impact. In addition there may be odours eg. softening tar from the Public Works yard. There are no plans to relocate the Public Works yard. CP Rail intends to keep the rail yards in the long

term.

Separation of land uses is the simplest way to overcome the noise and air pollution concerns.

10. *Impact on adjacent uses (i.e. CP Rail, Public Works Yard, Golf Course including ski operations) in terms of trespassing and liability, complaints and limitation on operations and expansion.*

Industrial, commercial, recreational and non-residential institutional uses would have limited impact on adjoining uses. Residential uses would have more impact and higher density residential uses significantly more impact because of the greater numbers of residents. Residential uses are less tolerant of noise, are in use all the time and include children who are more inclined than adults to explore surrounding areas. The railyard would be subject to noise complaints which take time, may curtail current operations or lead to limitation on proposed operations eg. storage of GO trains and greater use of short truck trains. Trespassing and liability from accidents is also a concern which may mean expenditures on security. There are similar concerns about impact on the golf course which may have to expand fencing and put up netting to deflect golf balls, both of which have visual impact.

Noise complaints about ski operations are a possibility. There are similar concerns about impact on the Public Works Yard including the possibility of complaints about odour. Pressure for the Public Works Yard to relocate may mount as they did with the yards at Mohawk Road, Hill Street and Glenside Avenue. The existing Public Works Yard, adjacent to the 'Lapp property' used to be at Hill Street.

Warnings about potential impacts registered on title may have mitigating affect on these concerns.

11. *Financial impact on public agencies eg. City, School Boards.*

Residential development will generate park, recreational, library and educational costs whereas industrial, commercial and institutional uses will not. Recreational uses will need minimal services eg. garbage collection, but will require public expenditures on land acquisition, development and maintenance. Commercial, residential and institutional uses will require garbage pick-up whereas only the commercial portions of an industrial use will.

In terms of education there is a significant impact on taxes in the City of Hamilton. For the proposed residential development it is estimated (using average figures) that the Separate School Board will need to spend about \$70,000 per year on student education. This is based on current cost per student less the Provincial grant. The 'Lapp site' would be more expensive than sites which are within the 1.1 km (0.75 mile) radius for bussing elementary students.

It is estimated (using average figures) that the Public Board would need to spend about \$900,000 on student education each year if the proposed residential development went ahead. This is based on current cost per student less Provincial grant. About \$120,000 would be needed for bussing alone since the site is beyond the mile radius for bussing elementary students. This would be an additional cost compared to a residential development within the mile radius.

A non-residential use on the 'Lapp site' may save the Public School Board \$900,000 compared to the costs of serving the proposed development. However this sum would need to be picked up by another school board or boards wherever alternative developments were built.

It should also be noted that residential development for special groups such as university students or seniors would not involve these costs.

Tax generation per year from various types of development is estimated to be on average:

Use of 'Lapp lands'	5 hectares (13 acres) (total development)	3 hectares (8 acres) (keeping trees)
Apartments and townhouses	\$375,000	\$272,000
Detached dwellings	\$180,000	\$112,000
Commercial - Offices	\$780,000	\$480,000
Light Industrial	\$455,000	\$280,000

These figures give a general idea and will vary according to circumstances.

It is estimated that there will be a significant net loss to City taxpayers for the residential proposal and a significant gain for commercial development. There would also be a gain from industrial development.

12. *Protection of views, particularly of the escarpment and appearance.*

The site is not easily visible from the lower city but has more impact from the upper city mountain edge and from the golf course itself. The taller the buildings and the higher the density the more the visual impact. Architectural treatment, screening and planting can assist in mitigating the interruption of the natural appearance of the area.

13. *Appearance of the development and affects on surrounding uses.*

The quality of appearance is tied to architectural and landscaping matters. However the lower the buildings and smaller the mass the easier it will be to blend development into the natural surroundings.

14. *Respect for owners interest.*

Use for apartments and townhouses would maximize the value of the land. Use for single family or light industry would create only half the value of the land. Office commercial would be roughly mid point between the two values.

15. *Public attitude.*

The public has expressed concern about the proposed development for the 'Lapp lands' and raised many of the points mentioned in the analysis. This report is an attempt to resolve the planning issues.

The public has also expressed concern about the process advocating a more indepth look at the issues on a broader geographical basis. The modified Neighbourhood Plan approach, bringing together stakeholders around the table has gone some way to resolving concerns about the process.

Conclusion

- the Chedoke Golf Course is an appropriate use and will remain in the long term future. The golf course keeps the lower slopes of the Niagara Escarpment green and free from development. It provides a recreation area which is accessible particularly to the inner city.
- the C.P. Railyards are needed for the foreseeable future. They are an appropriate use for the long term future with limited impact on adjoining uses although there remains the concern about noise levels in residential areas some distance from the C.P. Rail yards. It should be borne in mind that, according to current policy and zoning, any type of commercial and almost all types of industrial uses are permitted. A study of the area would be needed if the rail yards were to close.
- the Public Works Yard is intended to remain and would be expensive to relocate. The yard may require additional land to consolidate works yard operations in the future.
- any development of the Lapp site should
 - preserve the woodlot in its natural state to protect the environment of the lower slopes of the Niagara Escarpment. The preservation of the woodlot will retain visual amenity, recreational value and a wildlife habitat.
 - provide landscaping to dominate the development and a high quality of design

to enhance the appearance of the site. This will allow the development to blend in with the surroundings.

- be protected from impacts of adjacent uses to avoid land use conflict. This will reduce inconvenience/annoyance/danger to site users.
- generate limited traffic volumes to minimize traffic impacts. The additional traffic generated from the Lapp property should avoid the need for a left hand turn on Aberdeen, traffic signalization or realignment of Studholme Road.
- the 'Lapp property' should not be used for residential purposes because of the impacts of surrounding uses, particularly noise impacts and impacts on surrounding uses. In addition there are planning concerns about vehicular traffic generation (with higher density residential), emergency access, locational isolation, availability of public elementary classrooms particularly at the middle school level and fiscal impact of the development.
- the 'Lapp property' should not be used for retail commercial because of high vehicular traffic generation and impact on traffic patterns. However special types of commercial e.g. prestige restaurant, may be appropriate depending on traffic generation.
- the 'Lapp property' should not be used for heavy industry because of the impacts on the golf course.
- non residential institutional uses, and light industrial warehousing are generally appropriate uses because of their limited impacts although traffic may be a concern at higher densities. Recreational uses would be the most desirable to complement the existing golf course (appendix 5).
- the City should continue to seek ways of acquiring the woodlot on the 'Lapp site' so that the treed area can be preserved. Ideally the whole 'Lapp' property should be acquired to protect the City's long term interest.

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LEGEND

**CHEDOKE PARK
PROPOSED PLAN**



Light Industrial/Warehousing
Special Commercial with low
traffic impact
Non Residential Institution
Recreational
or mixture of these uses



Utilities

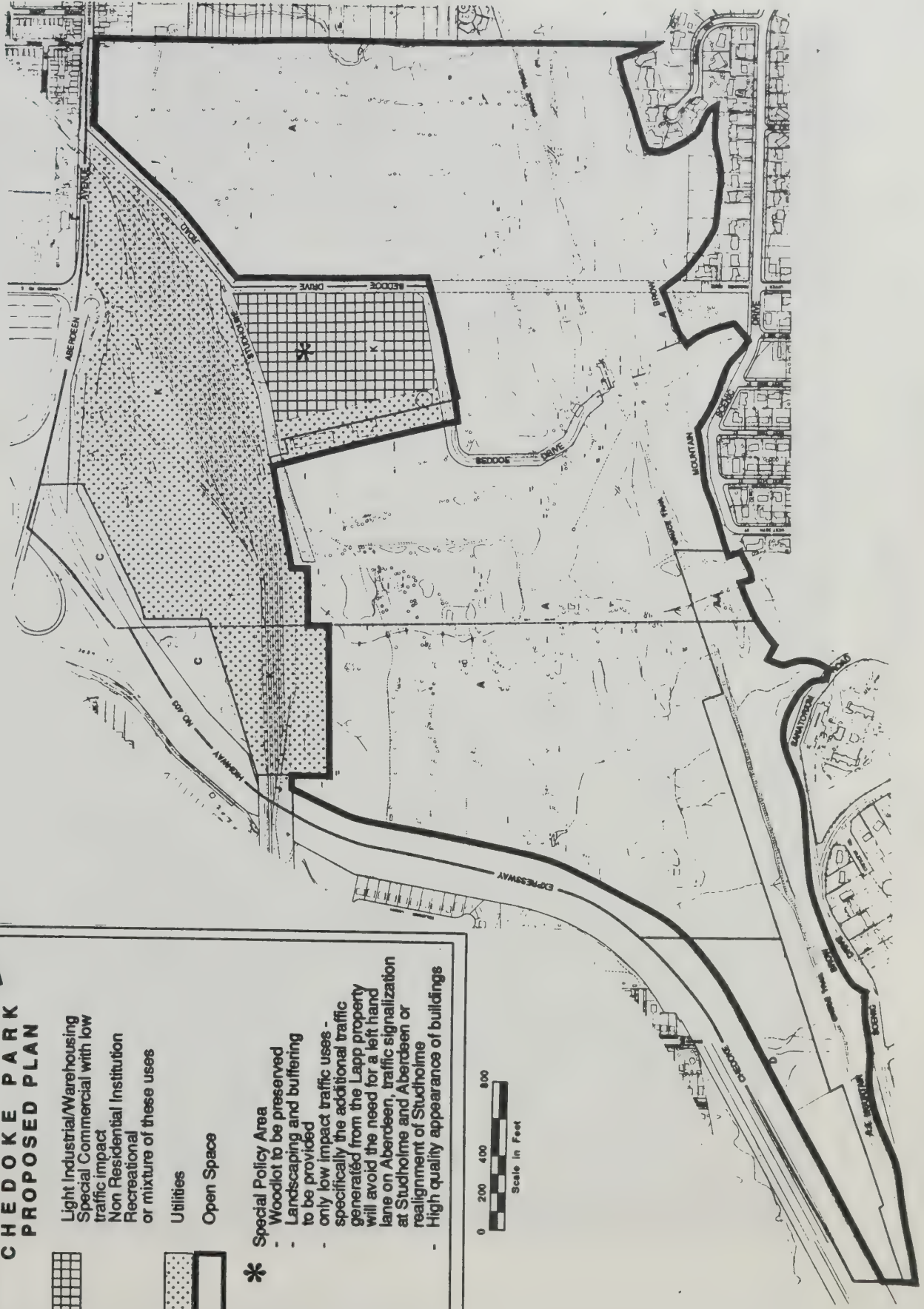
Open Space



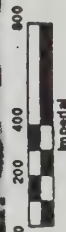
Special Policy Area
- Woodlot to be preserved
- Landscaping and buffering
to be provided
- only low impact traffic uses -
specifically the additional traffic
generated from the Lapp property
will avoid the need for a left hand
lane on Aberdeen, traffic signalization
at Studholme and Aberdeen or
realignment of Studholme
- High quality appearance of buildings



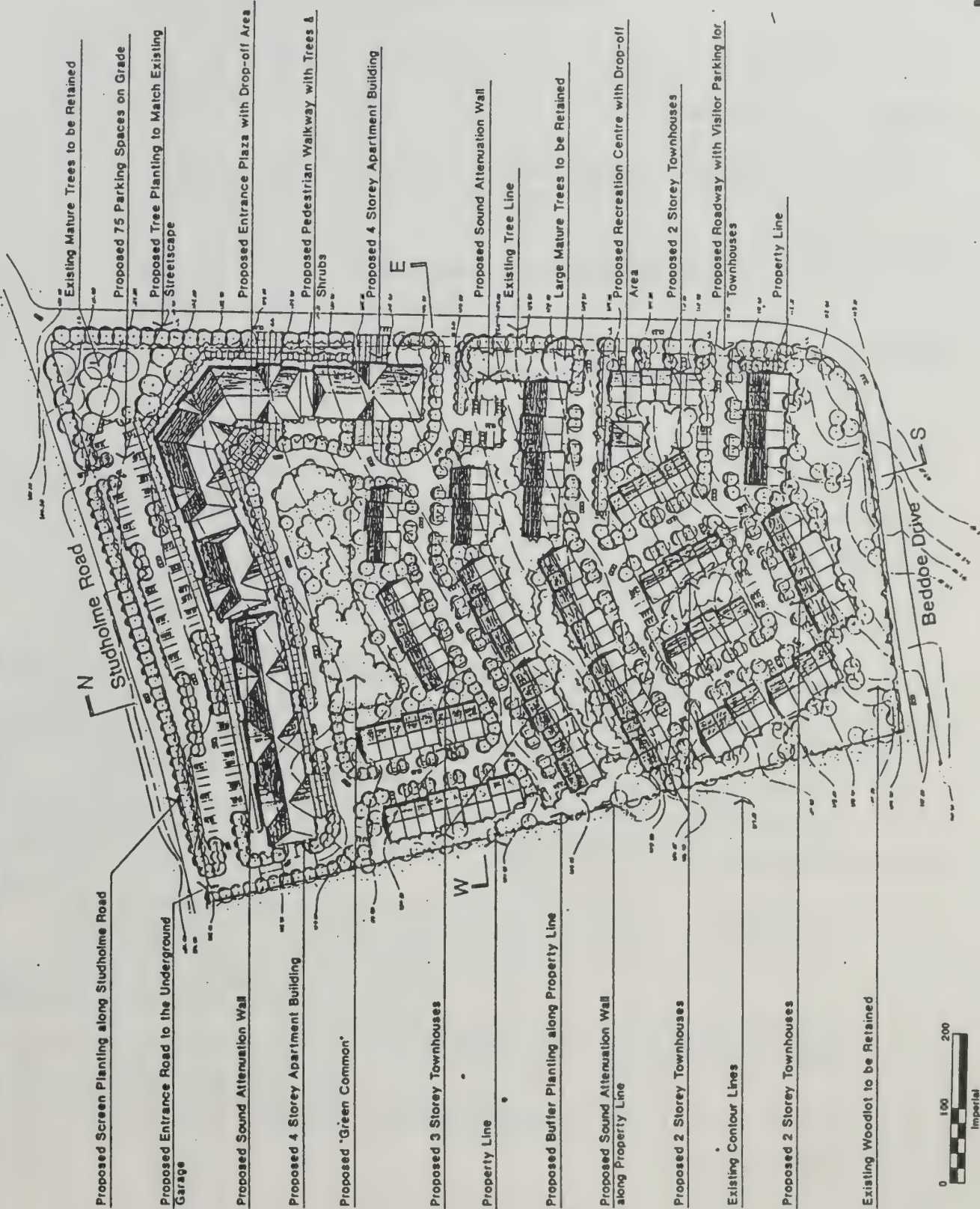
Scale in Feet



CHEDOKE PARK NEIGHBOURHOOD AERIAL VIEW



APPLICANT'S PROPOSED SITE PLAN



- RECOMMENDATION -

DATE: November 29, 1990
(P6-8-3)
Chedoke Neighbourhood

REPORT TO: S. K. Reeder, Secretary
Planning & Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

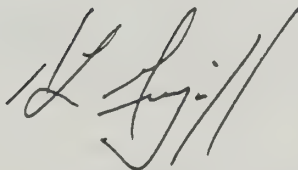
Request for an Official Plan Amendment - Lands located south of Studholme Road, west of Beddoe Drive.

RECOMMENDATIONS:

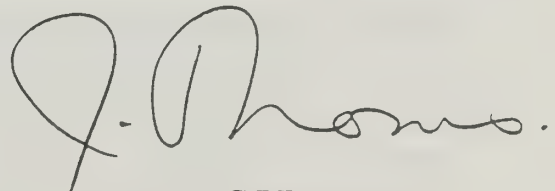
That approval be given to Official Plan Amendment Application P6-8-3, Chedoke Heights Inc. owner, requesting a redesignation of the subject lands from "INDUSTRIAL" to "RESIDENTIAL", and to create a Special Policy Area to permit the development of the subject lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units, for lands located south of Studholme Road, west of Beddoe Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- 1) That Schedule "A" to the Official Plan for the City of Hamilton be amended by redesignating the subject lands from "INDUSTRIAL" to "RESIDENTIAL";
- 2) That Schedule "B" to the Official Plan for the City of Hamilton be amended by adding a new "Special Policy Area";
- 3) That Policy A.2.9.3. be amended by adding a new policy which will have the following effects:
 - to require Site Plan Control for the lands;

- to provide adequate buffering and screening; and,
 - to require the proponent to comply with Ministry of Environment regulations for noise abatement measures.
- 4) That the by-law of adoption for the Official Plan Amendment not be passed by City Council UNTIL:
- a) the applicant applies for and receives approval of a site plan including noise attenuation measures as identified by the Ministry of the Environment;
 - b) the applicant post a performance bond for required noise attenuation measures at the time of site plan approval; and,
 - c) an approved site plan is registered on the title of the land.
- 5) That the City Solicitor be directed to prepare by-law of adoption once the conditions are fulfilled.
- 6) That the City Clerk be directed to forward City Council's decision to the Niagara Escapment Commission.



A. L. Georgieff, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

If sidewalks are provided between the development and the intersection of Aberdeen Avenue and Studholme Road on the Golf Course lands then the City would be required to pay for the sidewalk, as identified under the Local Improvement Act.

APPLICANT:

Chedoke Heights Inc., owner.

BACKGROUND:

- Proposal

In April 1989, the applicant submitted an application to amend the Official Plan for the subject lands. The municipal zoning regulations do not apply since, the property is under the jurisdiction of the Niagara Escarpment Commission (N.E.C.). The applicant has also submitted an application to the N.E.C. for a development permit.

The applicant wishes to build:

- two, four storey apartment buildings containing a total of 200 units.. The units will range in size from 46.45 m² to 102.19 m² (500 to 1,100 sq.ft.). Indoor recreational facilities will be provided within the building;
- 117, two to three storey townhouse units ranging in size from 102.19 m² to 139.35 m² (1,000 to 1,500 sq.ft.). Parking will be provided both at grade and underground. As many of the trees as possible will be retained.

- Requirements

Given the site's location adjacent to the C.P Rail yard, the City of Hamilton Public Works Yard and that the former use of the site was for industrial purposes, the Ministry of the Environment (M.O.E.) required the owner to undertake:

- a noise study; and,
- a decommissioning of the site

prior to residential development proceeding.

LOT SIZE AND AREA:

The lands are irregular in shape having:

- 171.89 m (263.94 ft.) of lot frontage on Studholme Road;
- 305.56 m (1,002.49 ft.) of lot frontage on Beddoe Drive; and,
- 5.5 ha (13.5 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	Under N.E.C. Control
<u>Surrounding Lands</u>		
to the north	CP Rail yard	"K" (Heavy Industrial, etc.) District
to the south and east	Civic golf course	Under N.E.C. Control
to the west	City Public Works Yard	Under N.E.C. Control

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A". The following policies apply, among others:

- "2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to

the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- iii) Uses which have characteristics or functional requirements similar to Industries;
- iv) Residences for maintenance staff of a principal use;
- v) Research and development facilities;
- vi) Public and private transportation terminals, highway and road related services (e.g. automobile service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

Based on the above-noted policies, the proposal does not comply with the Official Plan. An amendment is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:
 - Building Department;
 - Real Estate Department;
 - Bell Canada;
 - Hamilton-Hydro Electric Commission;
 - Hamilton Street Railway Company;
 - Hamilton Region Conservation Authority.

- The Hamilton Fire Department has advised that:

- "i) Hydrant location and Fire Department Access Roadways are addressed under Subsection 3.2.5 of the Ontario Building Code and as such, will be ordered/reviewed by The City of Hamilton Department of Buildings.
- ii) Actual "Waterflow" requirements will have to be assessed by Regional Waterworks Staff. If required, we will be glad to assist in design requirements once actual plans have been submitted.
- iii) If a fire access roadway(s) is/are required, an on-site inspection will be completed upon completion of construction, to determine actual sign placement."

- The Hamilton-Wentworth Engineering Department has advised that:

"Water pressure in this area is adequate by Regional standards. Sanitary sewer does not exist but is available at Aberdeen Avenue and MacDonald Avenue.

According to our records, the existing road allowance width of Studholme Road is 20.12 m (66 feet). The road allowance width of Beddoe Drive is variable since a portion of the roadway was closed by By-law No. 7125 and apparently sold to Canada Porcelain Ltd. at that time. (Plan E210 Surveys). We do not anticipate any further road allowance widenings at this time.

Access Considerations, Etc.

Specific design details of on-site circulation can be dealt with through site plan control. We also note that all traffic generated by this development will be required to use the intersection of Aberdeen Avenue and Studholme Road. Visibility of this intersection is restricted by the T.H. & B Bridge abutment to the west and a retaining wall and vertical crest curve to the east. Basically, the only improvements which can be considered at the existing intersection is an improvement of the turning radius at the south-west corner to permit simultaneous turning movements and the improvement of the radius at the south-east corner and the removal of the sign and retaining wall adjacent to the golf course which limits motorist sight distance looking to the east. The introduction of a left turn lane may require the

widening of the pavement to the south which would have a significant impact on motorist sight line past the bridge abutment looking west. It is our understanding that the City of Hamilton Traffic Department has noted that traffic signals at this location would not be warranted.

The other roadway improvement which could be considered is the relocation of the intersection of Studholme and Aberdeen Avenue to the south over Golf Course Lands. This improvement would relocate the intersection away from the T.H. & B. railway bridge but in so doing, sight distances for vehicles to the west may be restricted because of the overhead bridge deck. This alternative has not fully been investigated. Therefore, the Committee may wish to consider that as a condition of approval that the applicant/owner satisfy the concerns of the City of Hamilton and Region with respect to traffic concerns at the intersection of Studholme Road and Aberdeen Avenue and that he be responsible for any roadway improvements/realignment at this location which may be required due to this development. The construction of any sidewalks on Studholme Road and Beddoe Drive would be done under the provisions of the Local Improvement Act.

The concept site plan does not tie down the street lines and curb locations, nor do they provide specific details on the property dimensions. It appears that significant landscaping will occur within the Beddoe Drive road allowance. It is unclear whether the trees shown on the concept site plan are existing or proposed and development plans must show existing trees, grading details, etc. For the information of the applicant, grades within the road allowances are not to exceed 3% and driveway grades on private property are not to exceed 5% for the first 7.5 m from the existing property lines. We will also require that at such time as detailed site plans are submitted, we will require 5 m X 5 m daylight triangles between the accesses and the property line for motorist vision. Furthermore, we recommend that access on Beddoe Drive, if possible, should be located a minimum of 65 metres north of the southerly property line. To address these concerns, we recommend that these lands be developed through site plan control with the City of Hamilton."

- The Traffic Department has advised that:

"We would expect this intensity of development to generate approximately 154 vehicle trips during the PM peak hour (97 in, 57 out). This traffic would of course

be added to the existing background traffic generated by the existing golf course, Public Works yard and railway facilities. The existing PM peak hour traffic volume on Aberdeen Avenue is approximately 1,870 vehicles. However, even with the inclusion of this additional traffic at the Aberdeen Avenue and Studholme Road intersection, a traffic signal would not likely be warranted.

Site lines at the Aberdeen Avenue and Studholme Road intersection are restricted by the railway overpass to the west and a wall to the east. This restriction of sight lines combined with the increased travel demand may result in congestion and delays at the intersection which may require roadway improvements to correct if they become significant. The realignment of the Studholme Road approach, the provision of a westbound left turn lane on Aberdeen Avenue and/or a northbound left turn restriction are possible solutions.

In general, we are in support of this proposal even without geometric modifications but suggest that the above recommended roadway improvements would improve traffic flow at this intersection and thus enhance the proposed development."

- The Public Works Department has advised that:

"The Department is not opposed to the residential development provided adequate screen and buffering measures are undertaken."

- The Hamilton Board of Education has advised that:

"We have reviewed the plan and wish to advise that secondary school students would attend Westdale Secondary School. Middle School students in grade 6 to 8 would attend either Ryerson Public School or Dalewood Public School. Students in Junior Kindergarten to grade 5 would attend one of the Earl Kitchener, Allenby or Central Schools.

While the directions of this letter are not specific at this time the Board does have sufficient lead time to make the necessary arrangements once the subdivision plan has been approved and construction begins."

- The Niagara Escarpment Commission has advised that:

"The Niagara Escarpment Commission, at its meeting of May 4, 1989, resolved to advise the Regional Municipality of Hamilton-Wentworth that it has no objections in principle to the proposed amendment but that the visual and environmental considerations of the Urban Area designation will be applied once the Commission evaluates a specific urban residential use for the property."

The Ministry of the Environment - West Central Region has advised that:

"The decommissioning of the Lapp Insulators Inc. property at Studholme Road and Beddoe Drive has been completed in accordance with the "Guidelines for the Decommissioning and Clean-up of Site in Ontario" and meets all other current statutory and regulatory requirements of the Ministry of the Environment."

In addition, the Ministry has verbally advised that they have serious reservations regarding the approval of the application for redesignation based on noise concerns. However, the Ministry has also advised that certain noise abatement measures may be employed to reduce the noise impacts of the railway yards to meet its noise guidelines.

- The Economic Development Department has advised that:

"Although staff do not object in principle to the proposed development, the loss of industrial land within the City of Hamilton is a major concern. Given the limited supply of industrial land in Hamilton, it is difficult to justify supporting this conversion.

I believe the City's Business Land Use Advisory Board has expressed a similar sentiment as well.

However, this Department is not aware of any interested industrial clients seeking space in this area. Also, I believe any industrial use would have to be limited to "ceramic" uses, per the N.E.C. further limiting the industrial potential."

- CP Rail has advised that:

"At the outset, let me be clear that CP Rail is strongly opposed to any residential development adjacent to our railway yard in Hamilton. Proposed residential

development of lands already zoned industrial is not compatible with CP Rail operations. We operate 24 hours per day all year long at our Hamilton location.

CP Rail reserves the right in future to utilize this yard in any capacity which we have authority to operate. This could include but not be limited to, a workshop facility, a bulk transfer facility, temporary residence in railway boarding cars for maintenance personnel with associated diesel equipment, or alternate facilities such as expanded intermodal operations. All of these operations could impact with the creation of additional noise and pose problems with residents adjacent to the yard, especially during early morning hours.

Historically, the transportation of dangerous commodities creates concerns within many municipalities, especially residents in close proximity. CP Rail has been the safest railway in eight of the last eleven years of all of the thirty-two largest North American Railways according to the U.S. Federal Railroad Administration. We have given a presentation to the Hamilton Transportation Committee on this matter which we understand was well received. However, concerns, usually based on lack of knowledge, often escalate to sometimes uncontrolled levels as residential areas develop around railway yards.

We have numerous examples of major problems when residential development is allowed to progress too close to railway yards. Toronto and Montreal are two notable areas in which this has happened. It causes headaches for CP Rail, the politicians who deal with often irate residents, and the various regulatory bodies who handle complaints.

CP Rail has received noise complaints not only when residents are inside the home, but also outside. This would include when people are walking outside to enjoy the evening air. Inevitably they hear the normal shunting of cars or locomotive in full power and dislike the sound. The question to them is a quality of life.

For all these reasons, CP Rail opposes any consideration to changing the zoning of this industrial property for the purpose of residential development."

COMMENTS:

- 1) At a neighbourhood public meeting held November 21, 1990, the area residents expressed a number of concerns:

- Density

The area residents indicated that the development of the site was "too dense". To illustrate the density in terms of Zoning By-law regulations, the "DE" (Low Density Multiple Dwellings) District and the "DE-3" (Multiple Dwellings) District are most suitable. Under the "DE" District regulations, the developer would be permitted 117 townhouses at 230 m² of lot area per unit and 198 apartments at 140 m² of lot area per unit. Alternatively, under the "DE-3" District regulations, the developer would be permitted 117 townhouses at 230 m² of lot area per unit, and 298 apartments based on an average gross floor area of 83.61 m² (900 sq. ft.) per unit.

Based on Neighbourhood Plan design standards, the development translates to approximately 23 units per gross acre which is within the range of 15 to 30 units per acre for "low density apartments".

The density is appropriate for the area given the minimal impact on the surrounding mix of land uses. The nearest single-family dwelling is 396 m (1,300 ft.) away located on Chedoke Avenue.

Furthermore, due to the noise requirements of the Ministry of the Environment, the developer is required to construct a four storey building on the northern portion of the site to act as noise buffer for the townhouses to the south. This noise attenuation cannot be achieved by townhouse development alone.

- Landscaping

Under the "DE" District regulations, 25% of the lot area has to be landscaped. The developer has indicated that approximately 49% of the area will be landscaped which includes the existing woodlot, open areas, etc. The development will include two tot lots in the townhouse area and a garden area complete with seating between the apartments and townhouses.

- School Capacity

The Hamilton Board of Education has advised that any school age children living within the development will be accommodated at the three area schools: Earl Kitchener, George R. Allan and Dalewood Schools.

- Traffic Signal at intersection of Aberdeen Avenue and Studholme Drive

The Traffic Department has indicated that the existing PM peak hour traffic volume on Aberdeen Avenue is 1,870 vehicles; however, the additional traffic generated by the development would not likely warrant the need for a traffic signal.

- Sidewalks

If the City wishes to have a sidewalk built between the development and the Aberdeen/Studholme intersection, then under the regulations of the Local Improvement Act the owners of the lands (where the sidewalks area located) have to pay the cost. In this case, the two abutting property owners are CP Rail and the City.

2) The following is a summary of the positive and negative aspects of the proposed conversion of the site from industrial to residential purposes:

- Positive Aspects

- a) it is located in close proximity to major transportation routes (ie. Aberdeen Avenue, Highway 403;
- b) it is located on a public transit route, close to medical and commercial facilities, etc.
- c) it is an aesthetic and visual improvement over the existing vacant industrial site;
- d) it is an adaptive re-use of an industrial site;
- e) it is a suitable form of residential intensification which is encouraged by the Province; and,
- f) it implements the philosophy of sustainable development which is to encourage additional development in areas which are presently serviced and developed.

- Negative Aspects

The subject lands are located in close proximity to the C.P Rail yard and may be subjected to negative environmental impacts. However, the Ministry of the Environment has indicated that noise abatement measures may be employed to reduce the noise to a level which will meet the MOE guidelines.

As a result of the possible noise impacts, the applicant was required to submit a Noise Study to the Ministry of the Environment outlining the necessary measures required to mitigate potential noise. At the outset, the Ministry was not prepared to support the proposal; however, very recently possible noise abatement measures were identified that may mitigate any possible noise impacts emanating from the railway yard.

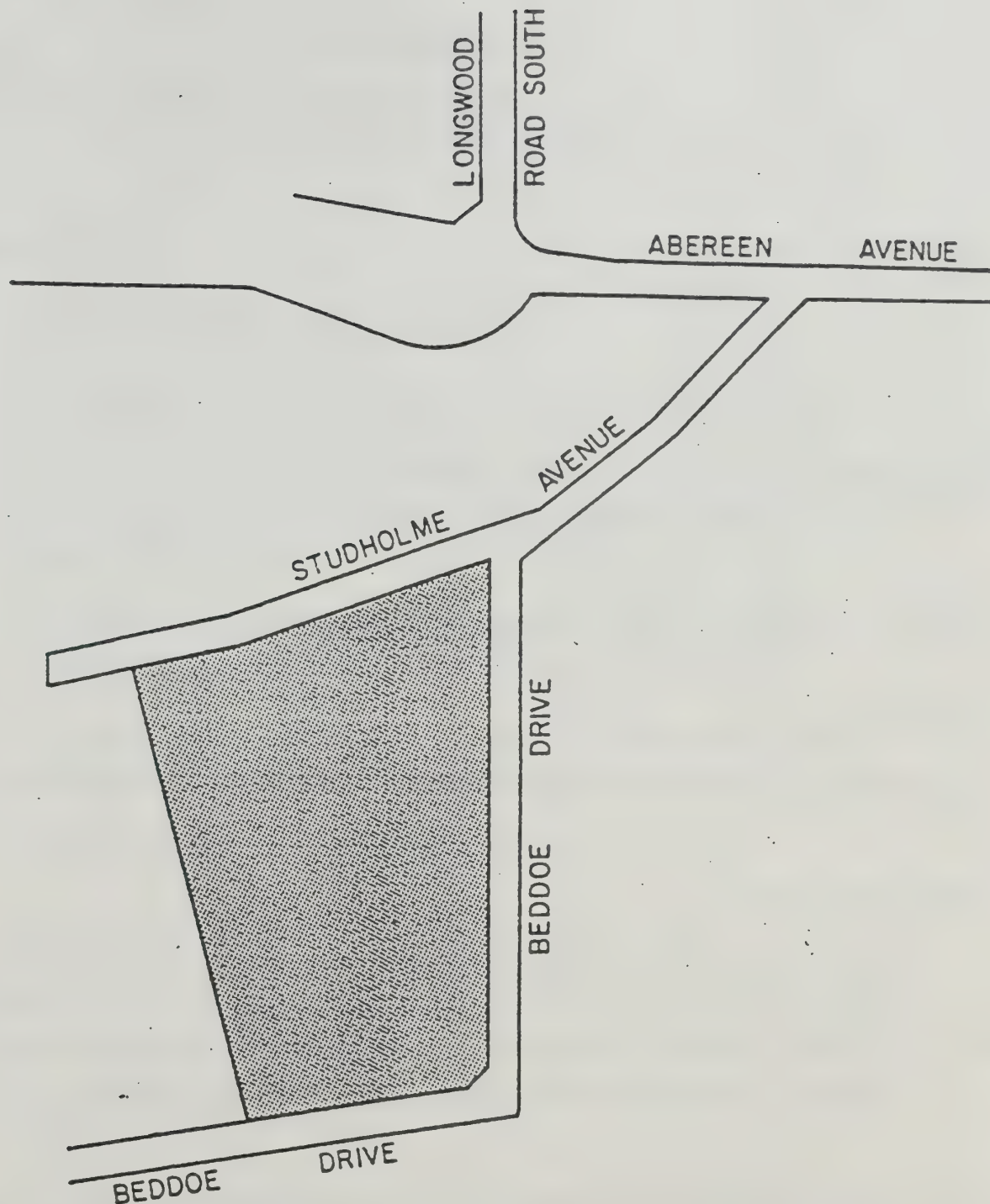
If the application is approved, it would be appropriate to place the lands under site plan control. As noted, the lands are under the jurisdiction of the N.E.C; as such, municipal zoning regulations do not apply. Furthermore, any detailed noise abatement measures outlined by M.O.E. could be addressed. Given the absence of municipal zoning and potential detailed noise abatement measures, it is appropriate to hold the approval of the official plan amendment in abeyance until the applicant applies for and receives approval of a site plan registered on title. Furthermore, the applicant should post a performance bond to ensure that the work respecting noise attenuation is completed as specified on the site plan.

CONCLUSION:

Based on the foregoing, the proposal can be supported since there are noise attenuation measures that may be employed to reduce the noise to meet Ministry guidelines. The Official Plan Amendment should be site specific, requiring Site Plan Control and appropriate noise abatement measures. However, the by-law adoption should be held in abeyance pending the approval and registration on title of a site plan.

JHE:ma/dkp

A:\P683



City of Hamilton

OFFICIAL PLAN AMENDMENT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the application

North



Scale
NOT TO SCALE

Date
NOVEMBER, 1990

Reference File No.
P6-8-3

Drawn By
T.A.

- RECOMMENDATION -

DATE: 1991 April 18
(P6-8-3)
(P5-2-25)
(P5-2-92)
(P5-2-93)

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee


FROM: Mr. J. D. Thoms
Commissioner of Planning and Development


SUBJECT:

Neighbourhood Plan Review (Kirkendall North and South, Chedoke Neighbourhood)

RECOMMENDATION:

- 1) That the Planning and Development Committee direct staff to undertake a "Modified Neighbourhood Plan Review Process" for specific sites in the Chedoke, Kirkendall North Neighbourhoods which have redevelopment potential including the Lapp property, CP Rail lands, Camco and Mr. Grocer site, by establishing a working committee of approximately 12 people with representatives from the Neighbourhood, the Golf Club, the owners of the Lapp property, Mr. Grocer, and Camco, C.P. Rail, Board of Education, and assistance by staff from various Departments and agencies (Traffic, Engineering, and Niagara Escarpment Commission, etc.), to deal with various issues as they relate to land use, traffic, school capacity as a result of the potential redevelopment;
- 2) That a complete neighbourhood review for the Kirkendall North and South and Chedoke Neighbourhoods be included for consideration in the 1992 Work Programme.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Development of former Lapp Insulator Site

On December 5, 1990, the Planning and Development Committee tabled the application for an Official Plan Amendment for the above noted lands. The intent of the proposal is to permit redevelopment of the site for 117 townhouses and 2, 4 storey apartment buildings (200 units). The application was tabled to allow for Neighbourhood Meetings with area residents, alderman and staff.

On February 11, 1991, a neighbourhood meeting was held to discuss the various issues including traffic impacts, land use, school capacities, etc.

It should be noted that the Region of Hamilton - Wentworth has received a formal request from the applicant to refer the proposal to the OMB.

- Neighbourhood Plan Review/Development Freeze

As a result of the neighbourhood meeting, a formal request to conduct a full Neighbourhood Plan review for the Chedoke, Kirkendall North and South Neighbourhoods was requested by the Aldermen of the Ward (see attached). In addition, a request to freeze development until such time as the neighbourhood Plan review has been completed, specifically on the Lapp Property, Camco, CP Rail lands and Mr. Grocer site on Dundurn Street.

At the present time, there are approved Plans for the Kirkendall South and North neighbourhoods, which were adopted in 1975.

ANALYSIS:

- Neighbourhood Plan Review

A full Neighbourhood Plan review would take approximately 12 to 18 months of elapsed time to complete. At the present time, there are 6 Neighbourhood Plans (Allison, Beach, Carpenter, Durand Implementation, Falkirk West and Sheldon/Mewburn West) under preparation of which 4 are required before development can proceed and 2 additional neighbourhoods (Mountview and East Mountain) which are being updated. In 1991, work is also to begin on the Central Neighbourhood Plan Review.

It should be noted that there are pressures for many other neighbourhood plan reviews for example, requests for Neighbourhood Plan reviews already have been recieved for Ainslie Wood East, Bartonville, Beasley, Delta East and West, McQueston, North End, St. Clair/Blakely and Westdale Neighbourhoods.

Given the number of on-going projects and existing Work Program priorities, hiring of additional staff at the Planner II level for the 12 month lapse time period would be required to undertake full review of the 3 neighbourhoods in question.

An option would be for the Planning and Development Committee to change the existing priorities for Neighbourhood Plans and direct the Department to undertake a full Neighbourhood Plan Review for the affected neighbourhood.

An alternative to the full Neighbourhood Plan review is to undertake a modified Neighbourhood Plan review with the support of a working committee of approximately 12 representatives including staff as resource people. Each meeting of the group could deal with specific issues (i.e. traffic, land use, school capacity, etc.) which have arisen in these neighbourhoods as a result of the Lapp development proposal and other potential redevelopments. In addition, this would allow the developers, specifically for the Lapp property, to more easily respond to local concerns.

This modified process could be undertaken now, with the intent for a full Neighbourhood Plan review for the remainder to be undertaken in 1992, if included in the 1992 Work Programme.

- Development Freeze

It has been suggested that a development freeze occur until a Neighbourhood Plan Review is completed. Section 37 of the Planning Act allows the municipality to establish an Interim Control By-law which would effectively freeze development in a specified area for up to one year, until such time as a land use study has been completed.

However, it must be noted that Council must direct a land use study be undertaken prior to the passing of an Interim Control By-law. Furthermore, if the municipality passes an Interim Control By-law which has an adverse effect on the landowner, the City must have sound planning reasons for the study.

Should the Planning and Development Committee direct staff to undertake a modified Neighbourhood Plan Review, the lands subject to the study need not be placed under Interim Control. The area is relatively stable with only a few

potential sites available for redevelopment in the immediate future: the Lapp site, which is currently under consideration by the Planning & Development Committee; and the Mr. Grocer site on Dundurn Street. The Camco and CP Rail lands would be redeveloped over a longer period. It should also be noted that the owners of these sites in question can appeal the interim control By-law to the O.M.B.

CONCLUSION:

At this time, a full neighbourhood review of the Kirkendall North and South and Chedoke Neighbourhoods is not possible without the hiring of additional staff or changes in project priorities.

Alternatively, a modified neighbourhood review is suggested which could address issues associated with the development of the Lapp property, along with potential redevelopment of Camco lands, CP Rail lands and the Mr. Grocer site on Dundurn. As this review could be undertaken in approximately 4 to 6 months of elapsed time, specific issues surrounding these developments could be addressed prior to any development approval, without the need for a formal interim control by-law.

JHE/BJ:dkp

A:\LAPP-REP.

Committee Members

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L8P 2X3

SCHEDULE OF MEETINGS

Time (all meetings):	7-9 P.M.
1. June 5 (Wed.):	Orientation
Agencies:	Planning, Niagara Escarpment Commission
Location:	City Hall, Room 219
2. June 17 (Mon.):	Land Use, Development Applications, Provincial Policy Statement on Land Use Planning for Housing, Parks
Agencies:	Planning, Public Works (Parks Division), Culture and Recreation, Economic Development Department, Niagara Escarpment Commission, Lapp
Location:	Chedoke Civic Golf Course, Club House
3. July 3 (Wed.):	Environment
Agencies:	Planning, Public Works, Railways, CAMCO, Niagara Escarpment Commission
Location:	Chedoke Civic Golf Course, Club House
4. July 17 (Wed.):	Schools
Agencies:	Planning, Public and Separate School Boards, Niagara Escarpment Commission
5. August 14 (Wed.):	Traffic and Engineering
Agencies:	Planning, Traffic Department, Engineering Department, Niagara Escarpment Commission
Location:	Chedoke Civic Golf Course, Club House
6. August 28 (Wed.):	Noise, Air, and Soil Pollution
Agencies:	Planning, Niagara Escarpment Commission, Ministry of the Environment, Lapp
Location:	Chedoke Civic Golf Course, Club House
7. September 12 (Thurs.):	Further Planning Information
Agencies:	Concepts and Alternatives, Chedoke Neighbourhood Plan Planning, Niagara Escarpment Commission
Location:	City Hall, Room 219
8. September 26 (Thurs.):	Concepts and Alternatives, Chedoke Neighbourhood Plan
Agencies:	Planning, Niagara Escarpment Commission
Location:	City Hall, Room 219
9. October 10 (Thurs.):	Proposed Concept Selection
Agencies:	Planning, Niagara Escarpment Commission
Location:	City Hall, Room 219
10. November 21 (Thurs.):	Draft Report to Planning and Development Committee
Agencies:	Planning, Niagara Escarpment Commission
Location:	City Hall, Room 233
11. January 9 (Thurs.):	Final Report to Planning and Development Committee
Agencies:	Planning, Niagara Escarpment Commission
Location:	City Hall, Room 219

**EXAMPLES OF USES WHICH MAY BE APPROPRIATE FOR THE LAPP
PROPERTY SUBJECT TO LOW TRAFFIC IMPACT**

Commercial Uses:

- observatory;
- bike rental;
- country club;
- convention centre;
- hotel;
- banquet centre;
- restaurant;
- offices;
- laboratories;
- research centres; and,
- business schools.

Light Industrial/Warehouse Uses:

- printing industries;
- publishing industries;
- assembly;
- small electric appliance industries;
- electric lighting industries;
- communication and electronic equipment industries;
- office, store and business machine industries;
- communications and energy wire industries;
- electrical products industries;
- pharmaceutical and medicinal products industries;
- toilet preparations industries;
- scientific and professional equipment industries;
- jewellery and precious metals industries; and
- warehousing and storage.

Non Residential Institutional Uses:

- college;
- school; and
- church.

Recreational Uses:

- aquatic centre;
- sports centre;
- arena (ice rink);
- indoor driving range;
- mini golf;
- nature interpretive centre;

- playground;
- putting green;
- recreation centre; and
- stable - Bruce trail

NIAGARA ESCARPMENT COMMISSION

REASONS FOR REFUSAL

1. The proposed use is not permitted by the Official Plan for the City of Hamilton or by the "Urban Area" designation in the Niagara Escarpment Plan.
2. The General Development Criterion 2.2(d) of the Niagara Escarpment Plan is not satisfied since the Ministry of the Environment opposes this application because of the incompatibility with the adjacent industrial uses.
3. The development of 317 units on the site will necessitate the removal of approximately 80% of the forested area on the site. This is incompatible with the Part 1.7 Development Objective No. 1, and Part 2.7, Development Criteria on New Development Within Wooded Areas, in the Niagara Escarpment Plan.
4. The proposed density and modifications to the site plan which were required to make the site conform to the noise requirements of the Ministry of the Environment are such that they are incompatible with the visual and natural environment of the Escarpment.

From Commission decision June 1991

CP RAIL'S CONCERNS AND CONDITIONS REQUESTED SHOULD THE RESIDENTIAL PROPOSAL PROCEED (Letter dated March 12, 1991)

1. Safety of and trespassing by children is a first priority. According to School Board studies, there will be approximately 260 school aged children in the development. At present, there is no physical barrier that would stop children from crossing through or playing in CP Rail's yard. The results can be disastrous. CP Rail would require the developer or the City to construct and maintain a standard 8 ft. chain link fence separating CP Rail's property from the City's municipal highway known as Studholme Avenue.
2. The noise created from normal railway operations 24 hours a day will be a problem to the residents. Ultimately, it will fall on the politicians agenda to correct. Mr. John Welton, representing the developer at the February 11th meeting, advised that all Ministry of the Environment concerns would be adequately addressed. The six noise mitigation measures in the Ministry's letter dated December 4, 1990 must be implemented.

In addition, CP Rail would require adequate notification to all buyers of the condominiums advising that they are purchasing next to a railway yard. This should be done by an Appendix to the Agreement to Purchase which would clearly identify that a railway yard is adjacent to the residential property and clauses to be registered on and run with the title to all properties within 300 meters of CP Rail's property warning prospective purchasers of the presence of CP Rail and also that CP Rail will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.

3. Traffic lights at Studholme Avenue and Aberdeen Street are required for CP Rail employees and the community because of poor sight lines and increased vehicular movements as a result of the development. Without these additional traffic lights, there would be a long line up of cars and trucks during peak hours which is not acceptable.
4. Sidewalks must be constructed along Studholme Avenue to reduce the risk of pedestrian injury and death.
5. There is no recreational area planned for these 260 children. Eventually the children would be attracted to CP Rail's yard. The developer should be required to provide necessary space for a park in or close to the proposed development area.
6. A berm or combination berm and noise attenuation fence, having a total height of not less than 5.5 meters above top of rail, must be erected and maintained by the developer on its property bordering Studholme Avenue and the CP Rail Yard. The berm portion must have a minimum height of 2.5 meters above top of rail.

7. Dwellings should be set back a minimum distance of 30 meters from the property line of the CP Rail Yard.
8. Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 meters of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz.
9. There shall be no increase or change in the direction of natural drainage affecting CP Rail property without first obtaining written consent of CP Rail.

MINORITY REPORT

Kirkendall-Chedoke Neighbourhood Plan Advisory Committee on the Chedoke Neighbourhood Plan

Report by Fothergill Planning and Development

Background

A report was prepared by Mr. David Godley on behalf of the Kirkendall-Chedoke Neighbourhood Plan Advisory Committee regarding the neighbourhood review process undertaken over the past 5 months. In the background notes to that report the last point confirms that the owner's consultant, who sat on the Committee, opposes the recommendations. For that reason, it was deemed worthwhile to prepare a dissenting report which analyzes the results from the Committee meetings from a different perspective. In order to maintain consistency, this report will be structured in the same manner as that prepared by Mr. David Godley.

With respect to comments of agencies on the proposal, the report notes that CP Rail opposes the residential use. However, CP Rail have also suggested a number of conditions which should be considered if the project is approved. The owner is prepared to accept these conditions in order to mitigate any potential impacts on the understanding that the 30 metre setback recommended by CP Rail is measured from their property line.

Analysis of the Lapp Proposal

1. Preservation of the environment including green space, woodland and natural habitat.

This matter is recognized as an important community concern. In analyzing the subject property, however, it is unclear as to the relative importance of the wooded area as a natural feature. All of the technical experts consulted including the Niagara Escarpment Commission staff see the woodlot as not significant from a botanical perspective. It is composed of groupings of trees together with a number of individual specimen trees.

It is also noted from a review of historical maps, discussions with individuals who have prior knowledge of the site, and from a site inspection that the woodlot was at one time used as a residential lot with a home purportedly used by a former greens keeper of the golf course. The location of this residential use on the property is now overgrown but still evident from the site inspection.

It is agreed that any development which removes the woodlot would be a loss. The owner also agrees with the Niagara Escarpment Plan policies which suggest as much of the woodlot as possible should be preserved in any redevelopment program. The proposal presented by the owners fulfils both of these objectives.

The report also indicates that the woodlot provides a refuge for wildlife. I cannot recall any specific documentation which would provide details with respect to that function of the woodlot.

2. Sustainable development and intensification of urban areas.

I agree with the comments provided regarding this consideration.

3. The need for a diversified economy, employment and strong tax base.

This matter has been addressed elsewhere in the report including Section 11 which discusses financial impact on agencies. It is suggested this is not a significant criterion in the consideration of alternative land uses for the property for three reasons.

First, this matter was discussed at the Committee and evidence was provided by way of a report undertaken for similar analysis in the City of Burlington. That report concluded that the net tax benefit to the community from residential and industrial types of uses could not be determined with any degree of accuracy and that at best two alternatives could be considered revenue-neutral.

Secondly, the danger of evaluating land uses on the basis of economic evaluation, even if one land use could be considered a greater net benefit to the Municipality, is that other factors play a much more important role and land use decisions cannot be based on economic factors alone.

For example, the Burlington analysis concluded that the most favourable tax revenue producing type of development was a commercial retail plaza. If land use decisions were based on economic factors, it would be difficult to ever justify residential uses on any given property if for example a commercial alternative was available.

The third concern relates to the need and ultimate feasibility of developing the subject property. Tax revenue is only generated if a use is implemented. If lands are designated in an inappropriate fashion and no development actually takes place on the property, there is little, if any, tax revenue ever generated for the municipality. This is again illustrated by the example in Burlington where approximately 25 acres is still being assessed at farm rates in an urban area on a busy main arterial simply because the zoning placed on the property is inappropriate and not economically feasible.

4. The need for attractive neighbourhoods and choice of housing.

It is agreed that the site does provide an alternative for housing which will meet the objectives of the Provincial policies on affordable housing. The report notes that the units may be near the ceiling rates and not where the real need is. Selling prices for all units have not yet been identified. There was no evidence presented to the Committee with respect to other needs in terms of housing prices. It is suggested at the end of this section that over-concentration of social housing requires control by the Ministry of Housing. The amount and type of control to be implemented by the Ministry of Housing is unclear.

5. The need for various land uses, ie. recreational, institutional, residential, commercial, industrial.

It is agreed there is an ongoing demand for affordable housing units within the Municipality. The other uses are somewhat questionable. With respect to office uses, it was indicated there is a substantial amount of vacant office space now, both in downtown Hamilton and in Burlington. Consideration was given to specialty, corporate head office types of uses. This is a very specialized field and normally requires high visibility, which could not be provided by this site.

The report notes that there is limited demand for light industrial land, however the setting may attract a particular kind of light industry. This is contrary to the substantial evidence provided to the Committee by Mr. Scott Galbraith of the Regional Economic Development Department. Mr. Galbraith presented a report to the meeting of June 71, 1991. At that time, Mr. Galbraith indicated that his department worked with the owners of Lapp Industries and pursued a number of potential purchasers. Despite a considerable effort on behalf of the owner and the Region, an alternative light industrial user could not be identified.

In 1988-89, his department studied the conversion of industrial land to alternative uses and was generally opposed to such a practice. However, his department took the position that they would not object to a rezoning of the Lapp site because of the difficulty in finding a specific user for the property. This comes both from their exercise in trying to identify a use for the site as well as because of the limited demand for light industrial uses. He indicated there were currently 2300 acres of industrial land available within the Hamilton-Wentworth Region. That is in addition to the approximately 1200 acres that were directly affected by the Provincial freeway decision and were essentially now on hold.

The last part of this section of Mr. Godley's report indicates there would be interest from the City to develop the land for recreational purposes. This comment must be qualified as it was clearly understood that while the City may have an interest to buy this and a number of other properties, there are simply not sufficient funds to purchase this property for such a use. If funds were available, the owner can (and will continue to) consider a sale to the municipality.

6. **Availability of services, eg. parks, schools, recreation centres, libraries, stores, buses.**

First, with respect to park uses, parkland analysis was provided to the Committee in their second meeting of June 17, 1991. At that time, it was determined that there was a shortfall of just over 1 acre in both Kirkendall North and Kirkendall South neighbourhoods according to Official Plan standards for neighbour parkland of not less than 1.24 acres per 1,000 population. In reviewing these numbers, Mr. Chris Firth-Eagland indicated that if the Hill Street park site was redesignated neighbourhood park standards would be exceeded.

Further, in investigating the possibility of the City purchasing the property for parkland, it was noted that the City has a need to buy parks for neighbourhoods which are underserved by park area. It was indicated that this area is low on the priority list. It was also indicated that all of the open space provided by the Niagara Escarpment Lands and the golf course uses not included in the parkland calculations.

With respect to schools, the School Board indicated in its comments that the children to be generated by the proposed development could be accommodated. There is some concern in the community with respect to schools for junior kindergarten to grade 5. Two schools, Earl Kitchener and Allenby School both serve this need. The Earl Kitchener School is at capacity while the Allenby School has an enrolment of 65 children with accommodations for approximately 225-250 students.

There has been repeated discussion and concern from parents of children who go to this school about the closure of the Allenby School because of the insufficient enrolment. This closure could result in a number of children being directed to Earl Kitchener School which is currently at capacity.

If the development proposed on the Lapp property were to proceed, the School Board is recommending that these children be bussed to Allenby School. This would accomplish a number of objectives. First it would maintain the viability of Allenby School and reduce the possibility of closing that school, thereby alleviating concerns of parents who currently go to that school. Secondly, it would eliminate the possibility of the 65 students who currently go to Allenby School being added to the already capacity situation at the Earl Kitchener School.

7. Availability of infrastructure, eg. road capacity, sewer capacity.

The report states that higher density uses may slow down traffic along Aberdeen.

Mr. Roland Karl addressed the Committee at their meeting of August 14, 1991. At that time, he indicated that the existing road network could accommodate traffic from the Lapp property. He indicated that the traffic generated by the Lapp development would include 97 vehicle trips into the project and 57 vehicles out during the PM peak hour. This was not determined to have a significant impact upon the existing road system.

It was also learned during this discussion that the proposed Perimeter Road to be constructed along the north part of the industrial area in Hamilton is projected to decrease traffic volumes through this area 20-30%. Therefore, the introduction of this Perimeter Road will have a much more significant impact on traffic than any development on the Lapp property.

The second consideration is that the trips generated by the Lapp property must be compared against all alternative land uses. That is, a total of 154 PM peak trips are not additional trips generated by the site by residential versus other uses. Alternative uses, including light industrial, would also generate traffic from the property.

In fact, Mr. Karl indicated that industrial uses have more concentrated peak hour traffic. In addition, there is a likelihood of more truck traffic being generated from a proposed industrial use than residential. Therefore, the net difference between residential and other uses could be very small and have even less impact on the road system than that projected by Mr. Karl.

When this issue was examined with respect to an industrial property in Burlington, it was found, in fact, that residential uses generated approximately the same amount of traffic as industrial uses if all trips are assumed to be equivalent vehicle trips. If trucks from industrial uses are considered, the industrial uses had more impact on the road network than residential uses. There was no evidence therefore that a residential use would generate any more traffic than an industrial use, nor would it slow down traffic along Aberdeen Avenue. Given that Aberdeen Avenue is not a truck route, all trucks from any industrial use leaving this property would have to turn left on Aberdeen.

8. **Safety including traffic safety, potential problems associated with adjacent uses, pedestrian safety and security from crime.**

The intersection of Studholme and Aberdeen Avenue was examined by the traffic department who found that no improvements or changes to the intersection were warranted at this time. In their opinion, this situation would be monitored and improvements including a left turn lane could be implemented if warranted at some point in the future.

Mr. Karl of the traffic department also examined accidents at the intersection of Studholme and Aberdeen and found that the accident rate from 1985 to 1990 was not noteworthy. There were 9 recorded accidents during that time. This compared to 66 accidents being reported at the intersection of Dundurn and Aberdeen. Staff did not feel this intersection would be a concern from a safety perspective.

Safety from the golf course is a matter of consideration, however it is felt that it can be mitigated by design measures as indicated in the report. The report also confirms that there are many examples of residential development adjacent to golf courses.

With respect to the public works yard, security is provided by an existing chain link fence. As part of the development proposal, it is expected that this chain link fence will be augmented with buffering, and appropriate setbacks to further mitigate safety and noise concerns.

Safety with respect to the adjacent rail yard is a legitimate concern and one identified by CP Rail in their letter of March 12, 1991. In order to address this concern, CP suggested construction of an 8-foot chain link fence separating CP Rail property from Studholme Avenue.

As an alternative, the owner wishes to consider the construction of a berm with a more decorative fence and appropriate landscaping on the north side of Studholme Road. The only difficulty with this suggestion is that it requires cooperation from CP Rail as part of this berm may have to be constructed on CP's lands. This type of berm would address the safety issues as well as provide a visual separation between the site and the rail lands. It is a matter the owner wishes to pursue further with CP Rail and the City.

Security along the roadway between the development and Aberdeen Avenue is certainly a concern of the owner. It is recommended that this matter be more thoroughly investigated and appropriate design measures incorporated into the development. These measures could include more appropriate lighting, fencing, changing of bus routes, etc.

9. **Impact of adjacent uses on people using the development including air and noise pollution.**

The noise studies undertaken by the consultant on behalf of the owner are now being reviewed by the Ministry of the Environment. These studies indicate that mitigating measures to be provided on this site exceed the Ministry standards for residential development adjacent to the highways including Highway 401.

Of particular note in such situations is the sequence of activity on the site. If the noise source is in existence prior to the introduction of new residential units, there is less likelihood for complaints than if the noise source arises after residential uses have been constructed.

The owner's concurrence to have waiver forms attached to any offers to purchase or lease and the implementation of design features recommended by the architect and noise consultant, will mitigate noise from the railway lands.

10. Impact on adjacent uses (ie. CP Rail, Public Works Yard, golf Course including ski operations) in terms of trespassing and liability, complaints and limitation on operations and expansion.

The registration of notice on title will reduce the possibility of complaints emanating from the development on the proposed rail yard. People locating in this area will be well aware of the surrounding uses. Concerns with respect to trespassing, liability, the impact on the golf course, have all be dealt with earlier. It is assumed that any mitigating measures required to be implemented will be done at the expense of the developer and will not create a financial burden on any of the adjacent users.

Absent from the discussion in the report is the impact, if any, of the development on the abutting residential development to the east. There was no discussion or suggestion that residential uses on the Lapp site will have an impact on residential uses to the east. This fact should be included within the report.

Consideration should also be given to potential impacts of other uses including light industrial on residential development to the west. At various meetings throughout the process, concerns and complaints were raised by area residents with respect to the existing industrial operations in the area. Notwithstanding the fact that light industrial uses are being suggested for these lands, there is more potential for future problems being generated in the immediate community by industrial uses than residential uses.

11. Financial impact on public agencies, eg. City, School Boards.

Comments related to Section 3 regarding the economic impacts of any proposed development are relevant here. A further difficulty with this kind of analysis is that it is incomplete as it did not cover all potential revenue sources nor all costs associated with each option. It is misleading and unfair to simply list tax generation figures as outlined on page 7 and expect to make a sound decision on our proposal with respect to economic matters.

Certainly there would appear to be costs with respect to educational requirements with residential development. As indicated earlier, these costs must be offset by the benefits of keeping Allenby School open and preventing further impacts on the existing Earl Kitchener School. Moreover, many of the costs identified in the section with respect to school boards would be borne by the Board regardless of where this residential development took place. This factor is noted on page 7 of the report.

For these reasons, the last paragraph of sub-section 11 is questionable. There is no evidence of a net loss to the City taxpayers for residential or a net gain from industrial development. In fact, as indicated earlier, the evidence was to the contrary, that there appears to be no difference in net fiscal impact from these kinds of developments.

12. Protection of views, particularly of the escarpment and appearance.

The viewshed analysis conducted by the owner has been accepted by the Niagara Escarpment Commission. In addition, it is suggested that the individual grouping of residential buildings with significant plantings between each grouping will be more compatible with the visual landscape than a large single purpose building for commercial or industrial uses. The former Lapp plants for example exhibited a large continuous roof area of approximately 220,000 square feet.

14. Respect for owners interests.

Respect for the owners interests should not necessarily be translated only in terms of financial return. Of consideration also must be the likelihood of developing the subject property for a feasible land use. Unless the City is prepared to purchase the land for its own use, there is no community benefit provided by a vacant empty piece of property.

Therefore, any designation for future land uses must be consistent with the owners desire and ability to implement those land uses. An inappropriate or unfeasible land use designation renders the property sterile and eliminates any benefit to be derived from that land to both the owner and the community.

15. Public attitude.

Public attitude as expressed through the Committee has been in opposition to the proposal for residential uses. There has, however, been no concrete evidence to suggest any direct impact from this development on those residents living within the community by the proposed residential use.

Conclusion

In determining the most appropriate land use for the site, two prime issues emerge: that of need, and that of impact. The question of need certainly must be predominant in any discussion as a land use designation attached to a given property must be able to be implemented. It is unproductive to designate any parcel of land for a use which is unlikely to ever occur. Moreover, it is irresponsible to deny development rights to private owners by way of inappropriate zoning.

At the same time, it is contrary to sound planning principles to introduce land uses which have an overwhelming impact on the existing community. Impacts in this situation fall into three broad categories.

First are the impacts upon the abutting residential neighbourhood. From a planning perspective, these must be seen to be the primary concern of planners. That is, once residential development takes place in a given area, change should not happen in that community to seriously and adversely affect the ongoing quiet enjoyment of private property which has become established over time.

With respect to this particular situation, careful analysis has been undertaken of all possible impacts from this development on the residential neighbourhood. All the technical experts have been satisfied that there will be no adverse impact created by this residential impact on the adjacent residential neighbourhood to the west. It was confirmed from a site inspection with the Niagara Escarpment Commission staff, for example, that there will be no visual contact between the proposed development and existing residents to the east.

Impact must also be measured with respect to other abutting properties. As noted in the report prepared by Mr. Godley, residential development adjacent to golf courses occurs in many locations throughout not only Ontario, but also North America.

The impacts on the adjacent railway lands must also be investigated. The mitigating impacts on these lands have been identified throughout the planning process and are contained within a letter addressed to the City by CP Rail. Again, residential development has and will continue to take place adjacent to rail lands. It is important to ensure that appropriate measures are taken to address potential impacts. There has not been, nor should there be, a universal prohibition against developing new residential units adjacent to rail lines.

The other series of impacts relates to potential impacts of surrounding uses on future residents. The first point to reiterate is that future residents will be fully aware of the situation within which they are locating. The potential sources of impact have been in existence for some time and will be plainly evident to those who seek housing in this location. The existence of surrounding land uses can be specifically documented in any offer to purchase or lease so there is no question in the minds of occupants regarding future uses.

This matter is not a direct concern of existing area residents. Notwithstanding that it is a laudable position for existing residents to be concerned about their future neighbours, such matters are beyond the realm of area residents, regardless of their good intentions. Any new development has to meet a number of objective tests from a range of professional agencies. This function cannot be replaced or superseded by a residents' group who is neither responsible for nor accountable to future residents. Ultimately, those public agencies responsible for such matters must be the ones who are satisfied.

On balance, the proposed residential use would appear to satisfy an existing need within the community for affordable housing. It represents the most logical use from a need perspective; that is, there is more assurance that this land use could be implemented than other options considered by the Committee.

A number of potential impacts have been identified throughout the planning process. These potential impacts are very real and must be addressed. It is suggested that implementing measures proposed can appropriately and adequately address these potential impacts and that any future occupant of this site will be made fully aware of the type and nature of the surrounding land uses.

The last recommendation concerns the City acquiring the property. This option has been reviewed with the City on a number of occasions over the past number of years. The option is still available should the City wish to acquire the property. Given the upcoming Consolidated Board Hearing, this decision should be made quickly.

9. (iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: January 15, 1992
(P5-3-8-3)
Chedoke Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

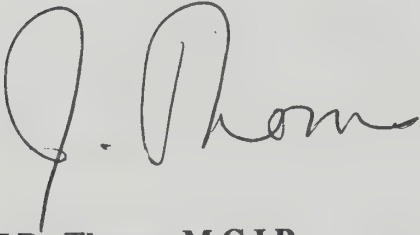
Request for an Official Plan Amendment - Lands located south of Studholme Road, west of Beddoe Drive.

RECOMMENDATION:

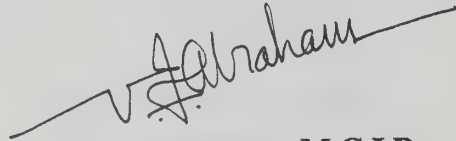
That Official Plan Amendment P5-3-8-3, Chedoke Heights Inc., owners, requesting a redesignation of the subject lands from "INDUSTRIAL" to "RESIDENTIAL", and to create a Special Policy Area to permit the development of the subject lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units, for lands located south of Studholme Road, west of Beddoe Drive, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- 1) The Ministry of the Environment has advised that the proposed mitigative measures (sealed windows) are not acceptable as a method of noise attenuation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses;
- 2) The woodlot has visual and natural feature of the urban fabric. In this regard, the woodlot should be preserved; and,

- 3) It is contrary to the approved Chedoke Park Neighbourhood Plan which designates the site for light industrial/warehousing; non-retail commercial; recreational; and, non-residential institutional uses.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Chedoke Heights Inc., owner.

BACKGROUND:

- Proposal

In April 1989, the applicant submitted an application to amend the Official Plan for the subject lands. The municipal zoning regulations do not apply since, the property is under the jurisdiction of the Niagara Escarpment Commission (N.E.C.). The applicant has also submitted an application to the N.E.C. for a development permit.

The applicant wishes to build:

- two, four storey apartment buildings containing a total of 200 units.. The units will range in size from 46.45 m² to 102.19 m² (500 to 1,100 sq.ft.). Indoor recreational facilities will be provided within the building;
- 117, two to three storey townhouse units ranging in size from 102.19 m² to 139.35 m² (1,000 to 1,500 sq.ft.). Parking will be provided both at grade and underground. As many of the trees as possible will be retained.

The Planning and Development Committee tabled the application pending additional meetings with area residents.

On April 24, 1991, as a result of these meetings, the Committee directed that a modified Neighbourhood Plan review of specific sites in the Kirkendall/Chedoke Neighbourhood be undertaken.

- Modified Neighbourhood Plan Review

A "stakeholders" group has developed a proposed Plan for the Chedoke Neighbourhood. As shown on APPENDIX " ", the golf course is proposed to be designated "Open Space" and the C.P. rail lands and the Public Works yards are proposed to be designated "Utilities", to recognize the existing uses. A number of land use options are proposed for the Lapp site, including light industrial, non-retail commercial, non residential institutional and recreational.

Accompanying the proposed Plan is written documentation in support of the proposed land use options.

- Niagara Escarpment Development Permit

Since the lands are within the "Development Control Area" of the N.E.C., the applicant is required to receive a development permit. On June 27, 1991, the NEC denied the request for the development permit and recommended denial of the proposed Official Plan Amendment for the following reasons:

- "1. The General Development Criterion 2.2 (d) of the Niagara Escarpment Plan is not satisfied since the Ministry of the Environment opposes the amendment because of the incompatibility with the adjacent industrial uses.
2. The development of 317 units on the site will necessitate the removal of approximately 80% of the forested area on the site. This is incompatible with the development criteria that states that there be no substantial negative impact on the Escarpment features including natural vegetation and visual attractiveness, and specifically; with Section 2.7, New Development within Wooded Areas.
3. The proposed density and modifications to the site plan which were required to make the site conform to the noise requirements of the Ministry of the Environment are such, that the compatibility of the proposed use with the visual and natural environment of the Escarpment is impossible to achieve." The group developed a Neighbourhood Plan for the Chedoke neighbourhood. The planning consultant for the Lapp owner submitted a minority report since he did not agree with the recommendation formulated by the group.

- Consolidated Board Hearing

The applicant appealed the N.E.C.'s decision to deny the development permit as well as the City Council's inaction on the Official Plan Amendment. Since that land use planning for these lands is under the jurisdiction of both the City of Hamilton and the Niagara Escarpment Commission, a Consolidated Board Hearing of the Ontario Municipal Board and the Environmental Assessment Board is required. The hearing is scheduled to begin February 24, 1992, for 10 days.

LOT SIZE AND AREA:

The lands are irregular in shape having:

- 171.89 m (263.94 ft.) of lot frontage on Studholme Road;
- 305.56 m (1,002.49 ft.) of lot frontage on Beddoe Drive; and,

- 5.5 ha (13.5 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	Under N.E.C. Control
<u>Surrounding Lands</u>		
to the north	CP Rail yard	"K" (Heavy Industrial, etc.) District
to the south and east	Civic golf course	Under N.E.C. Control
to the west	City Public Works Yard	Under N.E.C. Control

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A". The following policies apply, among others:

- "2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- iii) Uses which have characteristics or functional requirements similar to Industries;
- iv) Residences for maintenance staff of a principal use;
- v) Research and development facilities;
- vi) Public and private transportation terminals, highway and road related services (e.g. automobile service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

Based on the above-noted policies, the proposal does not comply with the Official Plan. An amendment is required to permit the proposal.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:

- Building Department;
- Real Estate Department;
- Bell Canada;
- Hamilton-Hydro Electric Commission;
- Hamilton Street Railway Company;
- Hamilton Region Conservation Authority.

- The Hamilton Fire Department has advised that:

"...It would be desirable to have a second access road into the development site. This would ensure adequate access for emergency vehicles regardless of the proposed use chosen."

- The Hamilton-Wentworth Engineering Department has advised that:

"Our previous comments based on the development proposed as set out in previous applications are still applicable."

"Water pressure in this area is adequate by Regional standards. Sanitary sewer does not exist but is available at Aberdeen Avenue and MacDonald Avenue.

According to our records, the existing road allowance width of Studholme Road is 20.12 m (66 feet). The road allowance width of Beddoe Drive is variable since a portion of the roadway was closed by By-law No. 7125 and apparently sold to Canada Porcelain Ltd. at that time. (Plan E210 Surveys). We do not anticipate any further road allowance widenings at this time.

Access Considerations, Etc.

Specific design details of on-site circulation can be dealt with through site plan control. We also note that all traffic generated by this development will be required to use the intersection of Aberdeen Avenue and Studholme Road. Visibility of this intersection is restricted by the T.H. & B Bridge abutment to the west and a retaining wall and vertical crest curve to the east. Basically, the only improvements which can be considered at the existing intersection is an improvement of the turning radius at the south-west corner to permit simultaneous turning movements and the improvement of the radius at the south-east corner and the removal of the sign and retaining wall adjacent to the golf course which limits motorist sight distance looking to the east. The introduction of a left turn lane may require the widening of the pavement to the south which would have a significant impact on motorist sight line past the bridge abutment looking west. It is our understanding that the City of Hamilton Traffic Department has noted that traffic signals at this location would not be warranted.

The other roadway improvement which could be considered is the relocation of the intersection of Studholme and Aberdeen Avenue to the south over Golf Course Lands. This improvement would relocate the intersection away from the T.H. & B. railway bridge but in so doing, sight distances for vehicles to the west may be restricted because of the overhead bridge deck. This alternative has not fully been investigated. Therefore, the Committee may wish to consider that as a condition of approval that the applicant/owner satisfy the concerns of the City of Hamilton and

Region with respect to traffic concerns at the intersection of Studholme Road and Aberdeen Avenue and that he be responsible for any roadway improvements/realignment at this location which may be required due to this development. The construction of any sidewalks on Studholme Road and Beddoe Drive would be done under the provisions of the Local Improvement Act.

The concept site plan does not tie down the street lines and curb locations, nor do they provide specific details on the property dimensions. It appears that significant landscaping will occur within the Beddoe Drive road allowance. It is unclear whether the trees shown on the concept site plan are existing or proposed and development plans must show existing trees, grading details, etc. For the information of the applicant, grades within the road allowances are not to exceed 3% and driveway grades on private property are not to exceed 5% for the first 7.5 m from the existing property lines. We will also require that at such time as detailed site plans are submitted, we will require 5 m X 5 m daylight triangles between the accesses and the property line for motorist vision. Furthermore, we recommend that access on Beddoe Drive, if possible, should be located a minimum of 65 metres north of the southerly property line. To address these concerns, we recommend that these lands be developed through site plan control with the City of Hamilton."

- The Traffic Department has advised that:

"The draft report on the use of the "Lapp Property" makes several references to attempting to minimize traffic impacts by eliminating what are referred to as high traffic generators. While we can support this proposal in general, it appears as though this concept may have been misused in this example.

The Lapp Property is currently vacant. Any development on the site will increase the amount of traffic using the Aberdeen Avenue-Studholme Road intersection which has been identified as the key traffic related concern. Intensification of any existing adjacent use will have a similar effect. The report identifies potential roadway improvements for this intersection as a negative effect of the residential proposal. In reality, these improvements may be required even if no development occurs on the Lapp lands.

In this particular situation, the applicants have proposed a very specific development which we estimate will generate approximately 155 vehicle trips in the P.M. peak

hour (97 in, 57 out). We have supported this proposal based on this magnitude of total traffic generation, its directional splits and its composition. From a traffic perspective, any other use which generates a similar traffic demand would be equally supported.

The point to be made is that when one speaks of traffic impacts they must speak in terms of booth land use and size of that land use. While we have supported this particular "high density residential" proposal, it does not necessarily mean we would support any "high density residential" proposal.

The report contains a listing (Appendix 5) of potential land uses which the Committee feels would be appropriate for this site. Most of these uses have the potential to generate as much, if not substantially more, traffic than the use proposed by the applicant.

As an example, we understand that the former building on the site was approximately 220,000 square feet in size. Based on trip generation rates for typical light industrial uses, a site of this size would generate approximately 152 vehicle trips in the P.M. peak hours (12 inbound and 144 outbound). While the total number of trips is approximately equal to the existing proposal, the outbound split would conflict with existing outbound peaks and would result in a significantly worse situation than that of the current proposal. In addition, one would expect a larger proportion of the vehicles generated by the industrial use to be large trucks when compared with the proposed residential proposal.

In summary, it is extremely difficult to assess the traffic impact of a use unless you also have the size of the use. It, therefore, appears inappropriate to use traffic impacts in this assessment to eliminate potential land use when those uses being promoted have the potential to create even more substantial impact. What we would suggest is that once an appropriate type of land use has been established that either limits to the amount of that use be set at this point or that the approval of any specific zoning proposal be conditional on site plan approval and a satisfactory traffic impact assessment.

- The Public Works Department has advised that:

"The original Public Works Department comments on the official Land Amendment remain unchanged in that we do not object to the residential designation, so long as adequate screening and buffering are provided to mitigate potential conflicts between the adjacent civic land uses including high noise levels; high traffic volumes including a large percentage of trucks and heavy equipment; dust fumes and odours; storage of salt, asphalt, fuel, herbicides, pesticides, fertilizers, and 24 hour operation for much of the year."

- The Culture and Recreation Department has advised that:

"With respect to the golf course, we still agree with previous comments that safety is a concern either from stray golf balls or where pedestrians venture onto the golf course.

We are still of the opinion that recreational uses would be the most desirable to complement the existing golf course.

Further, although there are not any short term plans to develop recreation facilities in Ward 1, any residential development would increase the burden on existing recreation facilities that are already utilized to their maximum."

- The Hamilton Board of Education has advised that:

"The following comments are based on the actual enrolments of September 1991 and the revised forecasts for the next five years.

The Lapp property falls within the catchment area of;

Earl Kitchener School JK-5

Ryerson Middle School Grades 6,7,8

Westdale Secondary School Grades 9-12

After reviewing the enrolments for September 1991 and the forecasts for the next five years ie. 1992-1996 we wish to observe the following:

Earl Kitchener is at capacity and will remain very near capacity for the forecasted future. Ryerson is over capacity and is relying on portable accommodation and the forecasts indicate that Ryerson will continue to be substantially over capacity for the next five years.

Westdale forecasts indicate that the school will be at capacity (approx. 1500 students) for the foreseeable future.

On examining potential alternatives we wish to observe elementary schools in Westdale (G.R. Allan, Dalewood and Prince Philip) all have portables to accommodate their students. Elementary schools in the Central west area of the City (Allenby, Strathcona) will have some space to accommodate students in the Junior Kindergarten to Grade 5, but it must be clearly understood, are more than one mile distant from the Lapp site and transportation would be required. The closest middle schools (Grades 6,7,8) would be Tweedsmuir and Bennetto. These two school would have room for approximately 20 to 30 students each for the foreseeable future. It must be cautioned that each of these schools is approximately 2 miles from the Lapp site.

As can be seen from the above analysis, a housing development as large as the proposed Lapp development will cause some difficulty for this board of education. Accommodation for students living in the development will be found. It may, however, be portable accommodation and it will be some distance from the neighbourhood."

- The Niagara Escarpment Commission has advised that:

"The Niagara Escarpment Commission, advise the Regional Municipality of Hamilton-Wentworth that they object to OPA 89-01, for the following reasons:

1. The General Development Criterion 2.2 (d) of the Niagara Escarpment Plan is not satisfied since the Ministry of the Environment opposes the amendment because of the incompatibility with the adjacent industrial uses.

2. The development of 317 units on the site will necessitate the removal of approximately 80% of the forested area on the site. This is incompatible with the development criteria that states that there be no substantial negative impact on the Escarpment features including natural vegetation and visual attractiveness, and specifically; with Section 2.7, New Development within Wooded Areas.
3. The proposed density and modifications to the site plan which were required to make the site conform to the noise requirements of the Ministry of the Environment are such, that the compatibility of the proposed use with the visual and natural environment of the Escarpment is impossible to achieve." The group developed a Neighbourhood Plan for the Chedoke neighbourhood. The planning consultant for the Lapp owner submitted a minority report since he did not agree with the recommendation formulated by the group.

- The Ministry of the Environment - West Central Region has advised that:

"The decommissioning of the Lapp Insulators Inc. property at Studholme Road and Beddoe Drive has been completed in accordance with the "Guidelines for the Decommissioning and Clean-up of Site in Ontario" and meets all other current statutory and regulatory requirements of the Ministry of the Environment."

"We identified as a matter of equal significance the presence of a municipal works yard and a railway marshalling yard in immediate proximity to 100 Beddoe Drive. We advised that noise generated within these facilities makes that site much less than ideal for residential development; nevertheless, we requested a professional acoustical study to quantify noise levels affecting the site, and to determine thereby, the feasibility of residential development.

Our letter to you dated December 4, 1990, summarized events since June, 1989. Principal actions included the conduct of a professional study which, despite major deficiencies in its methodologies, demonstrated that noise levels on the subject property, emanating largely from the rail yard, could be very significant. Due to the inconclusiveness of the report, Dr. Ramani Ramakrishnan, then of this Ministry, undertook, to conduct personally a field evaluation.

We recommended most strongly that, because of greatly adverse noise conditions, and in keeping with the intent of this Ministry's Policy 07-03 Land Use

Compatibility, the planning approvals, including a Niagara Escarpment Commission Development Permit, sought by the proponent firm not be granted."

"This memo explains our position on the use of sealed windows recommended as a noise control measure for the impact of stationary sources of sound. Clarification is also provided on the issue of sealed windows as it specifically relates to the Chedoke Heights development.

On September 28, 1990 a meeting was held at our office and included Mr. J. Welton (Chedoke Heights developer) and staff of the Noise Assessment Unit. The purpose of the meeting was to hear the concerns of the developer in satisfying the Ministry's stationary source noise criteria (NPC-105) and to address the Ministry's comments on the J. E. Coulter & Associates noise impact study. During the meeting, the use of sealed windows as a noise control measure for the Chedoke Heights development was discussed and subsequently permitted as a concession for this development. This was based on the condition that the noise consultant for the project design appropriate window glazing to satisfy the Ministry's indoor sound level criteria.

The consultant did not provide the requested data; however, our calculations indicated that a window Sound Transmission Class (STC) of 48 would be required to achieve the indoor sound level criteria. A window satisfying STC 48 would have to be roughly equivalent, in terms sound transmission loss performance, to 8" light-weight concrete block. Such a window could be manufactured only at extremely high cost. Clearly, based on this, sealed windows for the Chedoke Heights development were not considered a technically or economically viable noise control alternative.

Aside from the issues of whether or not such a window could be constructed, and the cost involved, revisions to the Ontario Building Code allowing the use of sealed windows resulted in a reassessment of our position on the subject. Sealed windows may be appropriate for offices or other commercial buildings. However, in view of a requirement for a sophisticated mechanical ventilation system, increased energy cost and a generally negative public reaction to windows which cannot be opened, sealed windows are clearly undesirable and unsuitable as a noise control measure for residential dwellings.

Furthermore, windows are easily replaceable building components. The cost of replacement windows is relatively low, particularly if the critical windows are only

in bedrooms on one site of the house. It must be assumed therefore that sealed windows are not necessarily permanent construction components, unlike walls or ceilings.

Following the logic of the above arguments, the position of not allowing sealed windows as a noise control measure was firmed up and became a policy decision reflected by the latest draft of the guidelines for noise assessment in land use planning (Noise Assessment Criteria in Land Use Planning, Publication LU-131). This document will be presented to the Ministry's Policy Committee on January 23, 1992.

From now on, the Ministry's assessment procedure for the noise impact produced by stationary sources will assume that all windows are openable, irrespective of whether the house design specifies sealed windows."

- The Economic Development Department has advised that:

"The concerns regarding the former Lapp insulator property. These comments echo previous opinions expressed concerning this property.

Since the cancellation of the Red Hill Creek Expressway, industrial land that has good highway access is at a premium in the City of Hamilton. Re-designation of this property further diminishes the supply of industrial zoned land in Hamilton.

The type of use on the property will be one that must conform to the surrounding uses (i.e. recreational space). The site, although offering excellent highway access, has very poor exposure. Specialized uses, such as an office development etc., would have to be a "preferred trip" or specific destination for the end user to be viable.

This Department has some concern over conversion to a residential area. The railway industry could be subjected to complaints and disruption of business by tenants or owners of a residential development on this property.

With respect to commercial applications, there is usually some demand for quality office space. However, this demand is currently being served by existing office buildings in the Region."

• CP Rail has advised that:

"CP Rail remains fundamentally opposed top residential development adjacent to railway yards. The present Hamilton Official Plan zoning of industrial designation should remain. This is the most appropriate use for the land in question. The present zoning has the least effect on vehicular traffic along Studholme which impacts on our employees, potential trespassing in CP Rail's yard, noise and safety concerns relating to CP Rail's operations at Aberdeen Yard, and future political pressures for any changes or relocation of our yard.

We disagree with Hamilton Traffic Department's recommendation that no significant changes are required for the intersection of Aberdeen and Studholme Avenues, even with the modified developer's plan. This intersection has severe sight line restrictions and is presently unsafe, especially during rush hours. Long queuing lines will result along Studholme Avenue. An accident will happen. Traffic lights would be needed should the developer's plans proceed.

Should the development be approved, the nine conditions listed in CP Rail's letter dated May 15, 1991, must be adequately addressed.

- 1) Safety of and trespassing by children is a first priority. According to School Board studies, there will be approximately 260 school aged children in the development. At present, there is no physical barrier that would stop children from crossing through or playing in CP Rail's yard. The results can be disastrous. CP Rail would require the developer or the City to construct and maintain a standard 8 ft. chain link fence separating CP Rail's property from the City's municipal highway known as Studholme Avenue.
- 2) The noise created from normal railway operations 24 hours a day will be a problem to the residents. Ultimately, it will fall on the politicians' agenda to correct. Mr. John Welton, representing the developer at the February 11th meeting, advised that all Ministry of the Environment concerns would be adequately addressed. The six noise mitigation measures in the Ministry's letter dated December 4, 1990 must be implemented.

In addition, CP Rail would require adequate notification to all buyers of the condominiums advising that they are living next to a railway yard. This should be done by an Appendix to the Agreement to Purchase which would clearly identify that a railway yard is adjacent to the residential property and

clauses to be registered on and run with the title to all properties within 300 meters of CP Rail's property warning prospective purchasers of the presence of CP Rail and also that CP Rail will not take responsibility for complaints as a result of noise, vibration, air quality, etc., generated by present and/or future operations.

- 3) Traffic lights at Studholme Avenue and Aberdeen Street are required for CP Rail employees and the community because of poor sight lines and increased vehicular movements as a result of the development. Without these additional traffic lights, there would be a long line up of cars and trucks during peak hours which is not acceptable.
- 4) Sidewalks must be constructed along Studholme Avenue to reduce the risk of pedestrian injury and death.
- 5) There is no recreational area planned for these 260 children. Eventually the children would be attracted to CP Rail's yard. The developer should be required to provide necessary space for a park in or close to the proposed development area.
- 6) A berm or combination berm and noise attenuation fence, having a total of not less than 5.5 meters above top of rail, must be erected and maintained by the developer on its property bordering Studholme Avenue and the CP Rail Yard. The berm portion must have a minimum height of 2.5 meters above top of rail.
- 7) Dwellings should be set back a minimum distance of 30 meters from the property line of the CP Rail Yard.
- 8) Ground vibration transmission to be determined through site tests. If in excess of acceptable levels, all dwellings within 75 metres of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz.
- 9) There shall be no increase or change in the direction of natural drainage affecting CP Rail property without first obtaining written consent of CP Rail."

COMMENTS:

- 1) In the Planning and Development's report of December 1990, a number of positive aspects of this site for residential purposes were highlighted. They include:
 - a) it is located in close proximity to major transportation routes (ie. Aberdeen Avenue, Highway 403;
 - b) it is located on a public transit route, close to medical and commercial facilities, etc.
 - c) it is an aesthetic and visual improvement over the existing vacant industrial site;
 - d) it is an adaptive re-use of an industrial site;
 - e) it is a suitable form of residential intensification which is encouraged by the Province and has been adopted by City Council as a method of increasing the supply of affordable housing; and,
 - f) it implements the philosophy of sustainable development which is to encourage additional development in areas which are presently serviced and developed.

Many non-residential sites have some inherent problems (i.e. environmental concerns, location, impact on adjacent land uses). In this regard, trade-offs will have to be made to fulfil the Provincial Government's criteria of increasing development through the adaptive re-use of non-residential sites for residential purposes.

- 2) Since the application for an Official Plan Amendment was considered by the Planning and Development Committee in December 1990, a number of agencies have further reviewed the development and have offered additional information:
 - a) Ministry of the Environment

MOE's letter dated December 4, 1990, indicated that the use of sealed windows as a noise mitigative measure could be achieved to bring the noise

levels in line with the Ministry guidelines. In a letter date January 8, 1992, MOE has advised that sealed windows are no longer appropriate as a noise mitigative measure. In this regard, no residential development should be provided on the site.

b) Niagara Escarpment's Position

Originally, staff of the N.E.C. did not object to the proposed redesignation from "INDUSTRIAL" to "RESIDENTIAL" provided the visual and environmental considerations of the Urban Area designation were applied once a specific urban residential use was evaluated. Subsequent to that time, the N.E.C. denied the development permit and recommended denial of the OPA because of environmental (i.e. noise) concerns, the eradication of approximately 80% of the woodlot and the site design is incompatible with the visual and natural environment.

Retention of the woodlot would decrease the density which in turn would reduce the impact on city services and the School Board.

c) Preservation of the Woodlot

At the onset, the importance of the woodlot as a natural and visual feature of the site was not known. As noted above, the N.E.C. are concerned with its preservation to the greatest extent possible.

d) Culture and Recreation Department

The Department has advised that the existing recreational facilities are utilized to their maximum. Development charges are intended to be used to off-set any impacts associated with residential redevelopment.

e) School Board Comments

The original comments from the School Board did not address the potential problems of school capacity. However, a more in depth study has indicated that, based on recent enrolments, there will be some difficulty in accommodating school age children in all schools. Bussing would be required for the JK to 5 students which could be accommodated at Allenby

or Strathcona and for children in Grades 6,7 and 8 which could attend Benetto or Tweedsmuir Schools.

The School Board's mandate is to provide education. In this regard, there are options available to the Board to house the potential school age children. They include: readjustment of school Board boundaries, bussing and/or the use of portables. These alternatives are not ideal but they exist as a means to educate the children. It should be noted that if development occurs in the newer areas on the mountain, more often then not the children are required to be bussed because local schools are not available.

f) Public Works Department

The Department does not object to the proposed residential development; however, any impacts (noise, dust, fumes, et.) should be minimized. This could be accomplished through adequate buffering and screening which would include a 2.4 m high acoustic fence.

g) Economic Development Department

The Department notes that it would be appropriate to retain industrial lands, however, there are certain problems with this site in that it has poor highway visibility. Residential uses could be subject to noise complaint. Further, the demand for quality commercial office space is being satisfied at the present time.

h) C.P. Rail

One of the principle concerns of C.P. is the safety and trespassing of children on their lands. In this regard, they would require the developer or the City to provide a 2.4 m high chain link fence to separate Studholme Road and the C.P. lands.

i) Modified Neighbourhood Plan Review

The Chedoke/Kirkendall Advisory Committee was formed to prepare a Neighbourhood Plan for the Chedoke Neighbourhood and to discuss various land use issues of the surrounding area.

The Advisory Committee suggested a number of land use alternatives including the continuation of the existing industrial designation with the focus on light industrial uses; non-retail commercial uses and non-residential institutional uses.

- 3) New information from various agencies has been received over the past 13 months. In this regard, it is important to re-evaluate the Department's position vis-a-vis the proposed residential development. Based on the above, it would be appropriate to deny the application, as submitted, for the following reasons:
- a) the Ministry of the Environment, has advised that the proposed mitigative measures (sealed windows) are not acceptable as a method of noise attenuation. In this regard, approval of the application could result in future land use conflicts with the adjoining industrial uses;
 - b) limited or no development should take place within the woodlot given its importance as a natural and visual feature of the site. Given the N.E.C.'s expertise in the area of tree preservation, it would be appropriate for them to determine the extent to which the woodlot should be preserved. The developer conducted a field survey to identify individual specimens and groups of trees which were considered significant and then prepared a plan to preserve a portion of the woodlot. To date, no response from the N.E.C. has been received as to the merits of the submitted plan; and,
 - c) the Neighbourhood Plan for the Chedoke Park Neighbourhood has alternative land uses such as light industrial, commercial, institutional which would be more appropriate in direct juxtaposition with the railway tracks to the north since they are less noise sensitive;
- 4) If the Chedoke Park Neighbourhood Plan is approved, then an Official Plan Amendment would not be necessary because the industrial policies in the O.P. are flexible enough to permit the uses proposed. Furthermore, the lands are under the jurisdiction of the N.E.C. and any development would be subject to their approval.

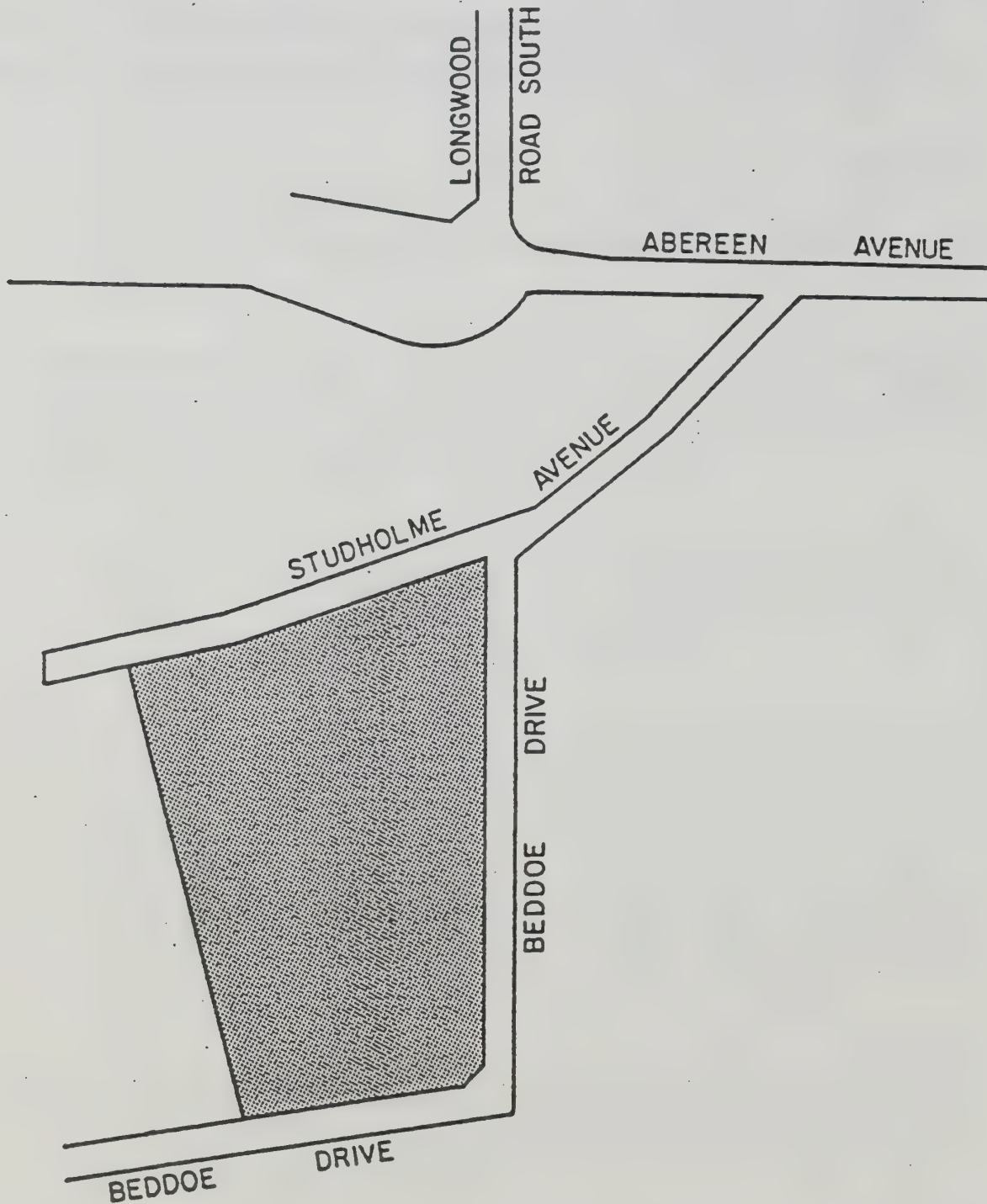
The proposed policies in the Neighbourhood Plan are not out of character with the concerns of the N.E.C. (i.e. preservation of the woodlot). In addition, it should be noted that the City is circulated applications for Development Permits. At that time, the City can request that the lands be placed under Site Plan Control to monitor site design, grading, access, buffering and screening, etc.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE:ma/dkp

A:\P5383



City of Hamilton

OFFICIAL PLAN AMENDMENT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the application

North



Scale
NOT TO SCALE

Date
NOVEMBER, 1990

Reference File No.
P6-8-3

Drawn By
T.A.



PEGGY M DICK
105 FLATT AVE
HAMILTON ONT
L8P 4N3



9.(a)

January 13., 1992.

Secretary
Planning and Development Committee
City of Hamilton
71 Main Street W.,
Hamilton, Ont. L8N 3T4

RECEIVED

JAN 15 1992

CITY CLERKS

Dear Madam or Sir:

In reply to your formletter of December 1991 regarding the Kirkendall/
Chedoke Planning Study.

In my opinion the whole plan should be scrapped. This part of the city
should be left alone to the enjoyment of the people.

The plan would create tremendous traffic congestions, sewer-overloading
and enormous garbage pile-up. 317 units for such a small area is unthinkable.
They are lots of open spaces south and west out of the city, therefore, it
is absolutely unnecessary to pile more and more people into the city limits.

I, for one, voice my opinion strikly against the plan or any other
such plan in this manner.

Yours truly

(Pm) Peggy M. Dick

P.S. I have been living on this property for 33 years, in case
somebody is interested.



9.66
original forwarded via Jan 15/92
JAN 16 1992

EARL KITCHENER

HOME AND SCHOOL ASSOCIATION

300 DUNDURN ST. SOUTH, HAMILTON, ONTARIO L8P-4L3

January 15, 1992

Secretary,
Planning Committee,
City Hall,
71 Main St. West,
Hamilton, Ontario.
L8N 3T4

Please circulate to all members of the Planning Committee

Re: Chedoke Heights, Committee Meeting January 22/92

Dear Planning Committee;

Please accept this as a written submission to your committee for the above mentioned meeting.

I sent a written submission to your meeting of December 5, 1990, please accept this as my comments to the "new" proposal by this developer.

As Safety Representative for the Earl Kitchener Home & School, I feel that this proposal answers none of the concerns I stated in my previous letter, namely:

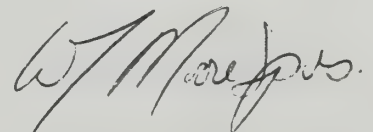
- the increase of traffic on the already busy and dangerous Aberdeen Ave.
- the effect of this increase on the corner of Aberdeen & Dundurn, an extremely dangerous corner, which has been made safer in the last few years by changes made by the traffic department. The number of cars coming from this survey could drastically alter the delicate balance of vehicular and pedestrian (young children) traffic. The City of Hamilton must be prepared, if it passes this proposal, to make major road changes at this corner which will be very expensive to the taxpayer.
- the fact that no alterations are planned to the intersection of Studholme Road and Aberdeen Ave.. Anyone who has tried to use this intersection knows the danger already present. It is hard to imagine the problems which will occur when 300 or more cars are streaming out of there every morning.
- we have been told that the owner feels that this will be a seniors' residence, but why is the Board of Education predicting 200-300 children will require busing from this survey to Allenby School. Besides, as stated in my previous letter, seniors drive just like any other citizen.

-2-

-the owner has made no reasonable attempt to decrease the number of units to one which reflects the concentration in the rest of the Aberdeen area. The city should place a limit on the density and I am also personally shocked to see no mention at all of non-profit housing as a percentage of the total units. I have heard the developer refer to affordable prices (they didn't sound affordable to me), but no mention of non-profit. This social problem needs to be addressed and shared by all neighbourhoods and developers.

Thanking you for your time, I remain,

Yours truly



Wendy Moore Spors
Safety Representative
Earl Kitchener Home & School
14 Miles Court,
Hamilton, Ontario.
L8P 4G6

c.c. Mayor Morrow
Alderman Cooke
Alderman Kiss

9.(c)

77 Stanley Ave.
Hamilton, Ont.
L8P 2L2

January 14, 1992

RECEIVED

JAN 16 1992

CITY CLERKS

Secretary
Planning & Development Committee
City of Hamilton
71 Main St. W.
Hamilton Ontario L8N 3Y4

We are writing to express our concern with the plans for the redesignation of the "Lapp lands" next to Chedoke golf course. In our view the additional vehicles on Aberdeen Ave. along with the need to "bus" children suggests to us that the property should not be redesignated. Thus we are opposed to the redesignation

Yours sincerely
Seymour L. Wigle
Forced High

9.(d)

**Turkstra
Mazza
Shinehoft
Mihailovich**

Associates*

Lawyers

JAN 17 1992

15 Bold Street
Hamilton, Ontario, L8P 1T3

(416) 529-3476 (LAW-FIRM)

or (416) 526-0033

Fax: (416) 529-3663

Please reply to: Herman Turkstra

January 16, 1992

Mr. Kevin Christianson
Acting Secretary to the
Planning and Development Committee
Corporation of the City of Hamilton
City Hall
71 Main Street West
Box 2040
Hamilton, Ontario
L8N 3T4

Dear Mr. Christianson:

Re: Application for Official Plan Amendment
Chedoke Terrace Inc. (LAPP Property)
City of Hamilton
Our File 11449

I understand that a staff report and a report from the Kirkendall Neighbourhood Review Committee will be presented for consideration to the Planning and Development Committee on January 22, 1992.

I would appreciate if this matter could be deferred to the next meeting of the Committee. I am presently involved in the Niagara Escarpment Plan Review Hearings. I am scheduled by the Hearing Officers for the entire week of January 20, 1992. I will not be able to attend on January 22nd.

As you may be aware, this matter will be considered at a Consolidated Board Hearing scheduled to begin February 24, 1992 to consider an amendment to the Official Plan for the City of Hamilton, an appeal from the Niagara Escarpment Commission decision to deny a Development Permit, and an appeal of the Land Division Committee decision to deny a severance application for the above property (File H-06-92).

.....2

*The merged firms of Turkstra, Mazza Associates & Shinehoft, Mihailovich, Czutrin & Campbell

Toronto, Ontario: Turkstra Mazza Shinehoft Mihailovich Associates, 212 King St. West, Suite 200. M5H 1K5
Stoney Creek, Ontario: Turkstra Mazza Shinehoft Mihailovich Associates, Unit 202, 115 Highway No. 8. L8G 1C1
Hamilton Mountain: Turkstra Mazza Shinehoft Mihailovich Associates, 987 Rymal Road East. L0R 1P0
Mississauga, Ontario: Turkstra, Mazza, Reininger Associates, Suite 1250, Two Robert Speck Parkway. L4Z 1H8
Guelph, Ontario: Garrod Associates, 337 Woolwich Street N1H 3W4

Mr. K. Christianson
Acting Secretry to the Planning and Development Committee
City of Hamilton
January 16, 1992

Additionally, when the matter was initially before Planning Committee on December 5, 1990, the Committee was presented with a planning report which recommended approval of the application. It is my understanding that the planning merits of the application remain. I further understand that planning staff would be prepared to recommend approval of the application if it were not for a new position on the application recently adopted by the Ontario Ministry of the Environment.

The applicant has presented the Ministry with a number of noise studies. However, the Ministry has not been prepared to meet with the applicant or his consultant to review the matter further. Discussions are ongoing, however, with the Ministry of Environment and Ministry of Housing given the "affordable" nature of the project. In fact, both ministries will be meeting on January 22, 1992 to review this matter further. It is hoped from this meeting that the concerns of Ministry of the Environment may be satisfied.

Given that the ultimate position on the application by City planning staff depends upon final recommendations from the Ministry of the Environment and the Niagara Escarpment Commission, I feel it would be prudent to defer the matter to the following Planning Committee meeting to allow an opportunity for the Ministry of Housing, and possibly even the applicant, to meet further with the Ministry of the Environment and Niagara Escarpment Commission staff in an attempt to address their concerns.

In addition, Ms. Pamela King of the Ministry of Housing indicated an interest in appearing before the Committee to speak to the matter directly. She would be more useful in presenting all of the facts to the Committee after her meeting with the Ministry of the Environment on January 22, 1992.

For these reasons, we would respectfully request that this matter be deferred until the next meeting of the Planning Committee.

Yours truly,



Herman Turkstra

HT:ay

Copies to:

Members of the Planning and Development Committee

URBAN/MUNICIPAL
CA40N HBL A05
C51P4

1992



2nd floor
PLANNING DEPARTMENT FILE #3

P5-2-25
P5-2-26
P5-3-8-3

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL 526-2700

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

NEWS sheet

KIRKENDALL/CHEDOKE PLANNING STUDY

The Kirkendall/Chedoke Neighbourhood Plan Advisory Committee has met a total of eleven times over the past six months. The mandate of the Committee was to examine planning aspects of the neighbourhoods in light of potential development, particularly the former "Lapp" site. The Committee has developed a proposed Neighbourhood Plan for the Chedoke Park Neighbourhood (Plan on reverse).

The Proposed Chedoke Park Neighbourhood Plan will be considered by the Planning and Development Committee, at the meeting to be held on the following date:

DATE: JANUARY 22, 1992
PLACE: CITY HALL (Room 233)
TIME: 11:15 a.m.

In addition the Planning and Development Committee will be considering an Official Plan Amendment for the former "Lapp" site to redesignate the lands from "INDUSTRIAL" to "RESIDENTIAL" (see attached notice).

If you have any questions please feel free to call:
Joanne Hickey-Evans at 546-4229 or David Godley at 546-4153, or

Alderman Kiss or Alderman Cooke (Aldermen for Ward 1) at 546-2730

DECEMBER 1991

URBAN MUNICIPAL



NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

SPECIAL POLICY AREA:

- **PERMITTED USES:**
Light Industrial
Non Retail Commercial
Non Residential Institutional
Recreational
- Woodlot to be preserved
- Landscape and buffering to be provided
- No high traffic generators

LAND USE



OPEN SPACE



UTILITIES



SPECIAL POLICY AREA

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee

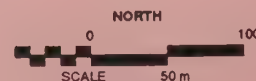
Council

Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

CHEDOKE PARK
PROPOSED PLAN

EXISTING POPULATION (1988) 8





CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL. 526-2700

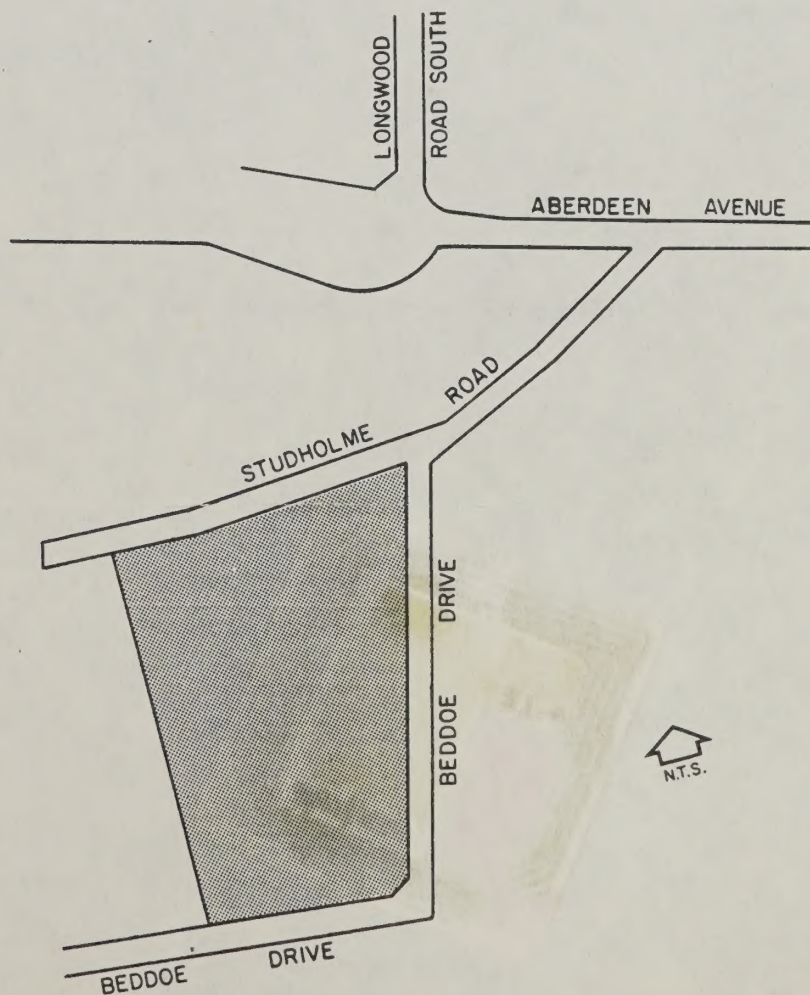
THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

NOTICE OF PUBLIC MEETING

Application has been received from CHEDOKE HEIGHTS INC., owner, requesting an Official Plan Amendment to redesignate the lands from "INDUSTRIAL" to "RESIDENTIAL", for property located south of Studholme Road, west of Beddoe Drive (Lapp lands), as shown on the map below.

The purpose of the proposed Official Plan Amendment is to permit the development of the subject lands for two, four storey apartment buildings containing 200 units and 117, two to three storey townhouse units.



The City of Hamilton Planning and Development Committee will hold a second Public Meeting to consider the draft Official Plan Amendment, in accordance with the provisions of the Planning Act. The Public Meeting will be held:

DATE: January 22, 1992

TIME: 11:15 am

PLACE: Room 233, Second Floor
City Hall

You are invited to attend the meeting to obtain further information and present your views and/or concerns on the draft Official Plan Amendment.

At the same time, the Planning and Development Committee will be considering the proposed Chedoke Park Neighbourhood Plan. In addition, you may submit your comments in writing to the :

Secretary
Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

by no later than January 20, 1992.

For further information, please contact the Planning and Development Department at 546-4229.





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* IN 75% RECYCLED FIBRE 75 %
75% RECYCLED FIBRE RECYCLÉES,
25% POST-CONSUMER WASTE DECHETS DE
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BALANCE OF PRODUCTS
25% RECYCLED

AUTRES PRODUITS:
25 % FIBRES RECYCLÉES

